



भारत का राजपत्र The Gazette of India

प्रकाशित है प्रकाशित
PUBLISHED BY AUTHORITY

सं. 28]
No. 28]

नई दिल्ली, शनिवार, जुलाई 14, 2001/आषाढ़ 23, 1923
NEW DELHI, SATURDAY, JULY 14, 2001/ASADHA 23, 1923

इस भाग में निम्न पृष्ठ संख्या की जाती है जिससे कि वह भ्रमण संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (H) PART II—Section 3—Sub-Section (H)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय की छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 22 जून, 2001

का.आ. 1585 :—केन्द्रीय सरकार, दिल्ली विशेष पुलिस
स्थापना अधिनियम, 1946 (1946 का अधिनियम सं.
25) की धारा 6 के साथ पठित धारा 5 की उप धारा
(1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, जम्मू तथा
कश्मीर राज्य सरकार, गृह विभाग की दिनांक दिसम्बर
17, 1998 की अधिसूचना संख्या-गृह-ए.आर./75/98-II
और 14-10-1999 की गृह-ए.आर./75/98-II द्वारा प्राप्त
राज्य सरकार की सहमति से, रणबीर दंड संहिता, सम्बन्ध,
1989 की धारा 420, 467, 468, 471, 477-क के
साथ पठित धारा 120-ख और भ्रष्टाचार निवारण अधि
नियम, सम्बन्ध 2006 की धारा 5(2) के साथ पठित धारा
5(1)(घ) तथा सशस्त्र अधिनियम, 1959 (1959 का

अधिनियम 54) की धारा 25 के तहत दंडनीय अपराधों
के अन्वेषण और एतद्वारा जम्मू तथा कश्मीर राज्य में
वर्ष 1994 से 1998 तक के दौरान सशस्त्र छाहसैंसों की
प्राप्ति तथा उनके प्रमाणीकरण, जालसाजी के संबंध में
किसी सरकारी व्यक्ति/गैर सरकारी व्यक्ति द्वारा किए गए
उपर्युक्त वर्णित अपराधों के संबंध में अथवा उनसे संसक्त
किन्हीं दुष्प्रयास, दुष्प्रेरण और षड्यंत्रों का अन्वेषण और उसी
संबन्धवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किन्हीं
अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष
पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता
का विस्तार संपूर्ण जम्मू तथा कश्मीर राज्य के संबंध में
करती है।

[संख्या 228/49/98-ए.बी.डी.-II(i)]

हरि सिंह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 22nd June, 2001

S.O. 1585.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Jammu and Kashmir, Home Department vide notification No. Home-AR/75/98-II, Jammu, dated 17th Dec., 1998 and Home-AR/75/98-II dated 14-10-1999 hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment to the whole State of Jammu and Kashmir for the investigation of the offences punishable under section 120-B read with 420, 467, 468, 471, 477A of the Ranbir Penal Code, Samvat, 1989, Section 5(1)(d) read with section 5(2) of Prevention of Corruption Act, Samvat, 2006 and Section 25 of Arms Act, 1959 (Act 54 of 1959) and any other offence(s) of attempts, abetments and conspiracy in relation to or in connection with the said offences committed by any officials of the Government/Private persons committed in the course of the same transaction or arising out of the same facts relating to the authentication, fabrication and procurement of Arms Licences in the State of Jammu and Kashmir during the period 1994 to 1998 for commission of the aforesaid offences.

[No. 228/49/98-AVD.II (i)]

HARI SINGH, Under Secy.

नई दिल्ली, 22 जून, 2001

का.आ. 1586:— केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना, अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा-सरकार के दिनांक मार्च 05, 2001 के आदेश संख्या-3/588/98-3 एच.जी. III द्वारा दी गई सहमति से, एतद्वारा, भारतीय दंड संहिता, 1860 (1860 का अधिनियम संख्या 45) की धारा 420, 467, 468, 471, 477-क के साथ पठित धारा 120-ब के अधीन दंडनीय अपराधों के अन्वेषण हेतु, भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम, संख्या 49) की धारा 13 (1)(घ) के साथ पठित धारा 13(2) और शस्त्र अधिनियम, 1959 (1959 का अधिनियम 54) की धारा 25 के तहत दंडनीय अपराधों के अन्वेषण और हरियाणा-सरकार के अधिकारियों और अन्य किसी व्यक्ति के विरुद्ध 1994 से 1998 की अवधि के दौरान उल्लिखित प्रयत्नों, अपराधों के अन्वेषण और उक्त अपराधों के संबंध में अथवा उनसे संसक्त दुष्प्रेरणों और षड्यंत्र और उसी संव्यवहार के क्रम में अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराधों का अन्वेषण करने के

लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण हरियाणा-राज्य के संबंध में करती है।

[संख्या 228/49/98-ए.जी.डी.-II(ii)]

हरि सिंह, अवर सचिव

New Delhi, the 22nd June, 2001

S.O. 1586.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Haryana vide order No. 3/588/98-3 HG-III dated 5th March, 2001 and hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment to the whole of the State of Haryana for investigation of offences punishable under Sections 120B read with 420, 467, 468, 471, 477-A Indian Penal Code, 1860 (Act Number 45 of 1860) section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and Section 25 of Arms Act, 1959 (Act 54 of 1959) and attempts, abetments and conspiracy in relation to or in connection with the said offences and any other offences committed in the course of the same transaction or arising out of the same facts during the period 1994 to 1998 against the officials of Government of Haryana and other persons.

[No. 228/49/98-AVD.II (ii)]

HARI SINGH, Under Secy.

नई दिल्ली, 28 जून, 2001

का.आ. 1587:— केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री विमल गुप्ता, अधिवक्ता को मूम्बई स्थित केन्द्रीय अन्वेषण ब्यूरो विशेष न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामलों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/21/2000-ए.जी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 28th June, 2001

S.O. 1587. In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. Vimal Gupta, Advocate as Special Public Prosecutor for conducting cases instituted by the Delhi Special Police Establishment in the exclusive Central Bureau of Investigation Special Courts at Mumbai.

[No. 225/21/2000-AVD.II]

HARI SINGH, Under Secy.

नई दिल्ली, 28 जून, 2001

नई दिल्ली, 29 जून, 2001

का.आ. 1588.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम 1946 (1946 के अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बिहार राज्य सरकार की गृह (पुलिस) की दिनांक 16-06-2000 की अधिसूचना संख्या-3/विविध-6021/2000 एच (पी) द्वारा प्राप्त सहमति से, स्वर्गीय मधुसूदन सिंह उर्फ बटन सिंह की न्यायिक हिरासत में हत्या के मामले में दिनांक 19-04-2000 की खजान्ची हाट, जिला पूर्णिया, बिहार में दर्ज प्रथम सूचना रिपोर्ट संख्या 112/2000 और दिनांक 20-04-2000 की प्रथम सूचना रिपोर्ट संख्या 117/2000 के मामले में भारतीय दंड संहिता, 1860 की धारा 302, 307, 34 और 120-ख तथा आयुध अधिनियम, 1959 की धारा 27 के अनुसार, दंडनीय अपराधों के अन्वेषण और उपर्युक्त वर्णित अपराधों के संबंध में अथवा उनसे संसक्त दुष्प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों का अन्वेषण तथा उसी संयवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियाँ और अधिकारिता बढ़ाकर सम्पूर्ण बिहार राज्य के संबंध में कर देती है।

[संख्या-228/38/2000-ए.बी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 28th June, 2001

S.O. 1588.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Bihar Home (Police) vide notification No. 3/Vividh-6021/2000 H(P) dated 16-6-2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for investigation of offences punishable under sections 302, 307, 34, 120B of the Indian Penal Code, 1860 and section 27 of the Arms Act, 1959 and attempts, abetments and conspiracy in relation to or in connection with the said offences and any other offences committed in the course of the same transaction or arising out of the same facts registered with Khajanchi Hat, District Purnia, Bihar vide F.I.R. No. 112/2000 dated 19-4-2000 and FIR No. 117/2000 dated 20-4-2000 relating to murder of Late Madhusudan Singh @ Buttan Singh in judicial custody.

[No. 228/38/2000-AVD.-II]

HARI SINGH, Under Secy.

का.आ.1589.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 14 पीसीआर 2001 दिनांक 05-03-2001 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिनांक विशेष पुलिस स्थापना के.अ. म्पूरो, एसीवी, बंगलौर में दर्ज मामला आरसी-6 (ए)/2001-बंगलौर में (1) श्री शलवास्वामी, इस समय उपमहा-प्रबंधक, स्टेट बैंक आफ मैसूर, बंगलौर जोन, (2) श्री के. एस. श्रीनिवास मूर्ति, महायुक्त महाप्रबंधक, स्टेट बैंक आफ मैसूर बंगलौर जोन, (3) श्री वी. जे. जी. पाडसे, शाखा प्रबंधक, स्टेट बैंक आफ मैसूर, टाटा विल्क फार्म शाखा बंगलौर, (4) मैतर्स जेम्स इम्पैक्स (पी) लि., मुंबैया रेड्डी गार्डन, आगरा, बंगलौर, (5) श्री मैथ्यू जोसेफ, निदेशक, मैसर्स जेम्स इम्पैक्स (पी) लि. बंगलौर और (6) श्री जॉर्ज टी. जैकब, निदेशक, मैसर्स जेम्स इम्पैक्स (पी) लि., बंगलौर के विरुद्ध भारतीय दंड संहिता, 1860 की धारा 120-बी संपठित धारा-420, 468, 471 तथा धाष्टाचार निवारण अधिनियम, 1988 की धारा 13 (2) संपठित धारा 13 (1) (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संशक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्र तथा उसी संयवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/38/2001-ए.बी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 29th June, 2001

S. O. 1589.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 14 PCR 2001, dated 5-3-2001, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120B read with Section 420, 468, 471 of Indian Penal Code, 1860 and Section 13(2) read with 13(1) (d) of Prevention of Corruption Act, 1988, and attempts abetments and conspiracy in relation to or in connection with one or more of the offences mentioned above and any other offence and offences committed in the course of the same transaction arising out of the same facts against (1) Sh. Shivaswamy presentl Deputy General Manager, State Bank of Mysor

Bangalore Zone, (2) Shri K. S. Srinivasa Murty, AGM State Bank of Mysore, Bangalore Zone, (3) Shri V. J. G. Paise, Branch Manager, State Bank of Mysore, Tata Silk Farm Branch, Bangalore, (4) M/s. Geyem Impex (P) Ltd., Subbaiah Reddy Garden, Agara, Bangalore, (5) Shri Mathew Joseph, Director, M/s. Geyem Impex (P) Ltd., Bangalore and (6) Shri George T. Jacob, Director, M/s. Geyem Impex (P) Ltd., Bangalore registered with DSPE/CBI/ACB/Bangalore vide RC-6 (A)/2001-BLR.

[No. 228/38/2001-AVD.-II]
HARI SINGH, Under Secy.

नई दिल्ली, 29 जून, 2001

का.आ.1590.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्रीमती ललिता वी. अय्यर, अभियोजन अधिकारी, केन्द्रीय अन्वेषण ब्यूरो को विचारण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामलों तथा किसी राज्य अथवा संघ राज्य क्षेत्र जिस पर पूर्वोक्त धारा के उपबंध लागू होते हैं, में विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों, पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/1/2001-ए.वी.डी.-II]
हरि सिंह, अवर सचिव

New Delhi, the 29th June, 2001

S.O.1590.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Smt. Lalitha V. Iyer, Prosecuting Officer of the Central Bureau of Investigation as Special Public Prosecutor for conducting of cases instituted by Delhi Special Police Establishment in the trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate courts established by law in any State or Union Territory to which the provision of the aforesaid section apply.

[No. 225/1/2000-AVD.-II]
HARI SINGH, Under Secy.

नई दिल्ली, 2 जुलाई, 2001

का.आ.1591.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार के गृह पुलिस अनुभाग-4 के आदेश सं. ख/VI-4-2001, लखनऊ दिनांक 10-05-2001 द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से पुलिस स्टेशन

हजरतगंज, जिला लखनऊ में दर्ज अपराध मामला सं. 256-ई/256-एफ/256-जी/256-एच/2001 में भारतीय दंड संहिता, 1860 की धारा 406, 420, 467, 468 और 471 के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संशक्त प्रयत्नों, दुष्प्रेरणों और षड़यंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की जक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/24/2001-ए.वी.डी.-II (i)]

हरि सिंह, अवर सचिव

New Delhi, the 2nd July, 2001

S.O. 1591.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh Home Police Section 4, vide Order No. Kha/VI-4-2001 dated 10-5-2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of the offences punishable under Sections 406, 420, 467, 468, and 471 of the Indian Penal Code, 1860, and attempts, abetments and conspiracy in relation to or in connection with one or more of the offences mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts registered at Police Station Hazratganj, District Lucknow vide case Crime No. 256E/256F/256G/256H/2001.

[No. 228/24/2001-AVD.-II (i)]
HARI SINGH, Under Secy.

नई दिल्ली, 2 जुलाई, 2001

का.आ.1592.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार के गृह पुलिस अनुभाग-4 की अधिसूचना सं. ख/VI-4-2001 दिनांक 11-06-2001 द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से पुलिस स्टेशन, हजरतगंज, लखनऊ में दर्ज अपराध मामला सं. 369/2001 और अपराध मामला सं. 369-ए/2001 में भारतीय दंड संहिता, 1860 की धारा 406, 420, 467, 468 और 471 के अधीन अपराधों तथा उसी संव्यवहार के अनुक्रम में किए गए उन्हीं तथ्यों से उद्भूत उपर्युक्त अपराध (अपराधों) से संबंधित अथवा संशक्त प्रयत्नों, दुष्प्रेरणों और षड़यंत्र के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के

सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/24/2001-ए.बी.डी.-II(ii)]

हरि सिंह, अवसर सचिव

New Delhi, the 2nd July, 2001

S.O. 1592.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh Home Police Section-4 vide Notification No. Kha/VI-4-2001 dated 11-6-2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of offences under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860 and attempts, abetments and conspiracy in relation to or in connection with the said offence(s) committed in course of the same transaction arising out of the same facts registered as Crime No. 369/2001 and Crime No. 369-A/2001 with Police Station Hazratganj, Lucknow.

[No. 228/24/2001-AVD-II(ii)]

HARI SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2001

का.आ. 1593.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 के अधिनियम, संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश राज्य सरकार की गृह पुलिस विभाग भोपाल की दिनांक मई, 2001 की अधिसूचना संख्या एफ-12/104-2000/बी (1) II द्वारा प्राप्त सहमति से, पुलिस थाना मेघनगर, जिला झाबुआ, मध्य प्रदेश में दिनांक 21-05-2000 को दर्ज अपराध मामला संख्या 131/2000 में भारतीय दंड संहिता 1860 (1860 का अधिनियम संख्या 45) की धारा 201 और 302 के अनुसार दंडनीय अपराधों के अन्वेषण और उपर्युक्त वर्णित अपराधों के संबंध में अथवा उनसे संसक्त दुष्प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों का अन्वेषण तथा उसी संव्यवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण मध्य प्रदेश राज्य के संबंध में करती है।

[संख्या 228/37/2001-ए.बी.डी.-II(i)]

हरि सिंह, अवसर सचिव

New Delhi, the 3rd July, 2001

S.O. 1593.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6

of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Madhya Pradesh vide Home Police Departments Bhopal Notification No. F-12/104-2000/B (1) II dated May, 2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of the offences under Sections 201 and 302 of Indian Penal Code, 1860 (Act No. 45 of 1860) of Crime Case No. 131/2000, dated 21-5-2000 registered with Police Station Meghnagar, District Jhabua, Madhya Pradesh and attempts, abetments and conspiracy in relation to or in connection with the said offence(s) committed in course of the same transaction arising out of the same facts.

[No. 228/37/2001-AVD-II(i)]

HARI SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2001

का.आ. 1594.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 के अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश राज्य सरकार की गृह पुलिस विभाग भोपाल की दिनांक मई, 2001 की अधिसूचना संख्या एफ-12/104-2000/बी (1) II द्वारा प्राप्त सहमति से पुलिस थाना छोटी गवासटोली, जिला इन्दौर, मध्य प्रदेश में दिनांक 21-05-2000 को दर्ज अपराध मामला संख्या 157/2000 में भारतीय दंड संहिता, 1860 (1860 की अधिनियम संख्या 45) की धारा 302 के अनुसार, दंडनीय अपराधों के अन्वेषण और उपर्युक्त वर्णित अपराधों के संबंध में अथवा उनसे संसक्त दुष्प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों का अन्वेषण तथा उसी संव्यवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण मध्य प्रदेश राज्य के संबंध में करती है।

[संख्या 228/37/2001-ए.बी.डी.-II(ii)]

हरि सिंह, अवसर सचिव

New Delhi, the 3rd, July, 2001

S.O. 1594.—In exercise of the conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Madhya Pradesh vide Home Police Department Bhopal Notification No. F-12/104-2000/B (1) II dated May 2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of

the offences under Section 302 of Indian Penal Code, 1860 (Act No. 45 of 1860) of Crime Case No. 157/2000 dated 21-5-2000 registered with Police Station Chhoti Gwaltoli, District Indore, Madhya Pradesh and attempts, abetments and conspiracy in relation to or in connection with the said offence(s) committed in course of the same transaction arising out of the same facts.

[No. 228/37/2001-AVD-II (ii)]

HARI SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2001

का.आ. 1595.—केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 57 पीसीआर 2001 दिनांक 09-04-2001 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना, के.अ. ब्यूरो, एसीबी, बंगलौर में दर्ज मामला आरसी-11 (ए)/2001-बंगलौर में श्री जी. के. सुब्रामन्या, पूर्व शाखा प्रबंधक (निलम्बनाधीन) विजया बैंक, तिरुमले शाखा, बंगलौर के विरुद्ध भारतीय दंड संहिता, 1860 की धारा 120-बी, 380, 409, 420, 467, 468, 471 और 477-ए तथा अष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) स्पष्टित धारा 13(1) (सी) और (डी) के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दृष्टिकरणों और षड्यंत्र तथा उसी संघबन्धन के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/39/2001-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 3rd July, 2001

S.O. 1595.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide notification No. HD 57 PCR 2001, dated 9-4-2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under sections 120B, 380, 409, 420, 467, 468, 471 & 477A of Indian Penal Code, 1860 and section 13(2) read with section 13(1)(c) and (d) of the prevention of Corruption Act, 1988, and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any

other offence and offences committed in the course of the same transaction or arising out of the same facts against Shri G.K. Subramanya, former Branch Manager (under suspension) Vijaya Bank, Tirumale Branch, Bangalore, and any other public servants or person registered with DSPE/CBI/ACB/Bangalore vide RC. 11(A)/2001-BLR.

[No. 228/39/2001-AVD-II]

HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय

मद्रास, 22 मई, 2001

सं. 03/2001-सीमा शुल्क (एन.टी.)

का.आ. 1596.—सीमा शुल्क अधिनियम, 1962 की धारा 9 जो भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना सं. 33/94 सीमा शुल्क (एन.टी.) दिनांक 1-7-94 के साथ पठित, द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, एतद्वारा तमिलनाडु राज्य के कन्याकुमारी जिला, अगस्तीष्वरम् तालुका के "अजगप्पपुरम गांव" को सीमा शुल्क अधिनियम, 1962 (1962 का 52) के अधीन शत प्रतिशत निर्यातोन्मुख उपक्रम स्थापित करने हेतु भांडा-गार घोषित करता हूँ।

[फाईल सी.सं. IV/16/53/2001-टी 2]

एन. सशिधरन, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE

Madurai, the 22nd May, 2001

No. 03/2001-CUSTOMS (N.T.)

S.O. 1596.—In exercise of powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962) read with Notification No. 33/94 Customs (N.T.) dated 1-7-94 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare "AZHAGAPPAPURAM VILLAGE, AGASTHEES, WARAM TALUK, KANYAKUMARI DISTRICT" in the State of Tamil Nadu to be a warehousing station under the Customs Act, 1962 (52 of 1962) for the purpose of setting up of 100% Export Oriented Undertakings.

[File C No. IV/16/53/2001-T.2]

N. SASIDHARAN, Commissioner

केन्द्रीय उत्पाद शुल्क पुणे I आयुक्तालय के आयुक्त का
कार्यालय

पुणे, 28 मई, 2001

संख्या 1/2001 (नॉन टैरिफ) केन्द्रीय उत्पाद शुल्क

का.आ. 1597.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा दिनांक 01-07-94 को जारी की गयी अधिसूचना संख्या 33/94 सीमा शुल्क (नॉन टैरिफ) के अधीन मुझे प्रदान किए गए अधिकारों का उपयोग करते हुए, मैं, श्री बी.एस. गानु, आयुक्त, केन्द्रीय उत्पाद शुल्क पुणे I आयुक्तालय, एतद्वारा, महाराष्ट्र राज्य के पुणे जिले के मुलशी तहसील के मान ग्राम परिसर को, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 की व्यवस्थाओं के अधीन, शतप्रतिशत निर्यातक्षयी यूनिट के गठन हेतु बेअरहाउसिंग स्टेशन के रूप में घोषित कर रहा हूँ।

[फा० सं० बी. जी एन (19)ओएम-36/2001]

बी.एस. गानु, आयुक्त

OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE PUNE-I COMMISSIONERATE

Pune, the 28th May, 2001

No. 1/2001 (NT) C.E.

S.O. 1597.—In exercise of the powers conferred on me by the Notification No. 33/94-CUS (NT) dated 1-7-94 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I B. S. GANU, Commissioner of Central Excise, Pune-I Commissionerate, Pune hereby declare Village Mann, Taluka Mulshi, District Pune in the State of Maharashtra to be warehousing station under Section 9 of the Customs Act, 1962 (52 of 1962), for setting up of 100 % EOU's.

[F. No. VGN (19) OM-36/2001]

B. S. GANU, Commissioner

केन्द्रीय उत्पाद शुल्क पुणे II आयुक्तालय के आयुक्त का
कार्यालय

पुणे, 11 जून, 2001

संख्या 2/2001 (नॉन टैरिफ) सीमा शुल्क

का.आ. 1598.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा दिनांक 01-07-94 को जारी की गयी अधिसूचना संख्या 33/94 सीमा शुल्क (नॉन टैरिफ) के अधीन मुझे प्रदान अधिकारों का कार्यान्वित करते हुए, मैं, एतद्वारा महाराष्ट्र राज्य के कोल्हापुर जिले के चंदगढ़ तहसील के शिनोली बुद्रुक ग्राम परिसर को, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 की व्यवस्थाओं के अधीन, शतप्रतिशत निर्यातक्षयी यूनिट के गठन हेतु, मैसर्स फेअरफील्ड एटलस लिमिटेड को बेअर

हाउसिंग स्टेशन के रूप में घोषित कर रहा हूँ। इसे भारत सरकार, वाणिज्य मंत्रालय, सीमा विकास आयुक्त, विशेष वित्तीय क्षेत्र, मुंबई द्वारा मान्यता प्रदान की गयी है।

[फा. सं. VIII/सीमाशुल्क/ई ओ यू/8/01]

डी.एस. सा, आयुक्त

OFFICE OF THE COMMISSIONER, CENTRAL
EXCISE PUNE-II, COMMISSIONERATE

Pune, the 11th June, 2001

No. 2/2001 (NT)-Cus.

S.O. 1598.—In exercise of the powers conferred on the undersigned by the Notification No. 33/94-CUS (NT) dtd. 1-7-94 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare village Shinoli Budruk, Tal Chandgad, Distt. Kohlapur State of Maharashtra to be warehousing station under section 9 of the Customs Act, 1962 (52 of 1962), for setting up of 100 % E.O.U.s. namely M/s Fairefield Atlas Ltd. as approved by the Govt. of India, Ministry of Commerce Development Commissioner SEEPZ, Special Economic Zone, Mumbai

[F. No. VIII/Cus./EOU/8/01]

D. S. SRA, Commissioner

(आर्थिक कार्य विभाग)

(बैकिंग प्रभाग)

नई दिल्ली, 11 जून, 2001

का.आ. 1599.—सरकारी स्थान (अप्राधिकृत अधिमोर्गियों की बेदखली) अधिनियम, 1971, (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैकिंग प्रभाग) के 11 सितम्बर, 1993 के भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii) में प्रकाशित 18 अगस्त, 1993 के का.आ. सं. 1890 की अधिसूचना में आंशिक संशोधन करते हुए केन्द्रीय सरकार ऐसे संशोधन से पहले की गई या किए जाने के लिए छोड़ दी गई कार्यवाई को छोड़कर, एतद्वारा निम्नलिखित तालिका के कालम (2) में, उल्लिखित सभी अधिकारियों को, जो केन्द्रीय सरकार के राजपत्रित अधिकारियों के रैंक के समतुल्य हैं, उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारियों के पद पर नियुक्त करती है, जो उक्त तालिका के कालम (3) में निर्धारित सार्वजनिक परिसरों के संबंध में अपने संबंधित क्षेत्राधिकारों की स्थानीय सीमाओं के अन्तर्गत उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे या उनको दिए गए कार्यों का निष्पादन करेंगे।

तानिका

क्रमांक अधिकारी का पदनाम सार्वजनिक परिश्रमों की श्रणियां और क्षेत्राधिकारों की स्थानीय सीमाएं		
(1)	(2)	(3)
1. मुख्य प्रबंधक, (अधिकारी-प्रशासन), बैंक आफ बड़ोदा, केन्द्रीय कार्यालय, मुम्बई या कोई भी ऐसा कार्यपालक जो पूर्वोक्त पोर्टफोलियो के रिक्त होने की दशा में संब- धित विभाग से संबद्ध समतुल्य रैंक या उससे बड़े रैंक का हो।	बैंक द्वारा अधिग्रहीत या अधिग्रहण किए जाने वाले परिसर और जो मुम्बई और नई मुम्बई में स्थित हों।	
2. मुख्य महाप्रबंधक (पी एण्ड ए) एम एम ओ या कोई भी ऐसा कार्य- पालक जो पूर्वोक्त पोर्ट- फोलियो के रिक्त होने की दशा में संबंधित विभाग से संबद्ध समतुल्य रैंक या उससे बड़े रैंक का हो।	—तद्वैध—	
3. मुख्य प्रबंधक (ओ एंड एस) ग्रेटर मुम्बई अंचल या कोई भी ऐसा कार्यपालक जो पूर्वोक्त पोर्टफोलियो के रिक्त होने की दशा में संबंधित विभाग से संबद्ध समतुल्य रैंक या उससे बड़े रैंक का हो।	—तद्वैध—	

[फा. सं. 13/3/2001-बीओए]

डॉ. चौधरी, अवर सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, 11th June, 2001

S.O. 1599.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in partial modification of the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Banking Division) No. S.O. 1890 dated 18th August, 1993, published in the Gazette of India, Part II Section 3, Sub-

section (ii) dated 11th September, 1993, except as respects things done or omitted to be done before such modification, the Central Government hereby appoints every and all the officers mentioned in Column (2) of the Table below, being officers equivalent to the rank of gazetted officers of the Central Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act, within the local limits of their respective jurisdictions in respect of the public premises specified in Column (3) of the said Table.

TABLE

Sl. No.	Designation of the Officer	Categories of public premises and local limits of jurisdiction
1	2	3
1.	The Chief Manager, (Officer Administration), Bank of Baroda, Central Office, Mumbai or any executive who is of equivalent or higher rank attached to the concerned department in the event of vacancy of the portfolio(s) aforesaid.	Premises acquired or to be acquired by the Bank and situated in Mumbai and New Mumbai.
2.	The Chief Manager (P&A), MMO or any executive who is of equivalent or higher rank attached to the concerned department in the event of vacancy of the portfolio(s) aforesaid.	-do-
3.	The Chief Manager, (O&S), Greater Mumbai Zone or any executives who is of equivalent of higher rank attached to the concerned department in the event of vacancy of the portfolio(s) aforesaid.	-do-

[F. No. 13/3/2001-BOA]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 11 जून, 2001

का.आ. 1600.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्र सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उप-धारा (1) और (2) के उपबंध बनारस स्टेट बैंक लि. पर 27 मई, 2001 से 26 अगस्त, 2001 तक तीन महीने की अवधि के लिये या उस बैंक के लिये नियमित अध्यक्ष और मुख्य कार्यपालक अधिकारी की नियुक्ति होने तक, जो भी पहले हो, लागू नहीं होंगे।

[फा.सं. 13/5/2001(i)—बी.ओ.ए.]

डी. चौधरी, अवर सचिव

New Delhi, the 11th June, 2001

S.O. 1600.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on recommendations of the Reserve Bank of India hereby declare that the provisions of sub-sections (1) and (2) of Section 10B of the said Act, shall not, apply to the Benares State Bank Ltd. for a period of three months from 27th May, 2001 to 26th August, 2001 or till the appointment of regular Chairman and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 13/5/2001(i) BOA]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 11 जून, 2001

का.आ. 1601.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्र सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उप-धारा (9) के उपबंध बनारस स्टेट बैंक लि. पर, जिस सीमा तक वे बैंक को चार महीने से अधिक की अवधि के लिये किसी व्यक्ति को अध्यक्ष और मुख्य कार्यपालक अधिकारी का कार्य करने हेतु नियुक्त करने से रोकते हैं, दिनांक 27 मई, 2001 से 26 अगस्त, 2001 तक या उस बैंक के लिये नियमित अध्यक्ष और मुख्य कार्यपालक अधिकारी की नियुक्ति होने तक, जो भी पहले हो, लागू नहीं होंगे।

[फा.सं. 13/5/2001(ii)—बी.ओ.ए.]

डी. चौधरी, अवर सचिव

New Delhi, the 11th June, 2001

S.O. 1601.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on recommendations of the Reserve Bank of India hereby declares that the provisions of

sub-section (9) of Section 10B of the said Act, shall not, to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer beyond a period exceeding four months, apply to the Benares State Bank Ltd., from 27 May, 2001 to 26 August, 2001 or till the appointment of regular Chairman and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 13/5/2001(ii) BOA]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 25 जून, 2001

का.आ. 1602.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री आर.एस. बक्कानावर के स्थान पर भारतीय रिजर्व बैंक, हैदराबाद के क्षेत्रीय निदेशक श्री एस.सी. कक्कर को 1 जुलाई, 2001 से तथा अगले आदेश तक के लिए आन्ध्रा बैंक के निदेशक के रूप में नियुक्त करती है।

[फा.सं. 9/18/2000—बी.ओ. I.]

रमेश चन्द, अवर सचिव

New Delhi, the 25th June, 2001

S.O. 1602.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates Shri S. C. Kakar, Regional Director, Reserve Bank of India, Hyderabad as a Director of Andhra Bank with effect from 1st July, 2001 and until further orders vice Shri R. S. Bakkannavar.

[F. No. 9/18/2000—B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 29 जून, 2001

का.आ. 1603.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध सरकारी राजपत्र में इस अधिमूचना के प्रकाशन की तारीख से 31 मार्च, 2002 तक जिला सहकारी केन्द्रीय बैंक मर्यादित, जबलपुर, मध्य प्रदेश पर लागू नहीं होंगे।

[फा.सं. 1(37)/99—एसी]

एल.सी. दूरा, अवर सचिव

New Delhi, the 29th June, 2001

S.O. 1603.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Jila Sahakari Kendriya Bank Maryadit, Jabalpur, Madhya Pradesh, from the date of publication of this notification in the Official Gazette to 31st March, 2002.

[F. No. 1 (37)/99-AC]
L. C. TOORA, Under Secy.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 28 जून, 2001

का.आ. 1604.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1197 तारीख 15 अप्रैल, 1966 से संलग्न अनुसूची में विनिर्दिष्ट कार्वनिक रसायनों का निर्यात से पूर्व निरीक्षण करने के लिए, दिल्ली टेस्ट हाउस को, जिनका रजिस्ट्रीकृत कार्यालय ए-62/3, इंडस्ट्रीयल एरिया, जी.टी. करनाल रोड, आजादपुर, दिल्ली-110033 में स्थित है, इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्नलिखित शर्तों के अधीन रहते हुए, एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात्:—

- (1) दिल्ली टेस्ट हाउस, दिल्ली, निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारियों को उनके द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा, जिससे कि कार्वनिक रसायनों का निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के अंतर्गत निरीक्षण का प्रमाणपत्र दिया जा सके।
- (2) दिल्ली टेस्ट हाउस, दिल्ली इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) समय-समय पर लिखित में दें।

[फा.सं. 5/7/2001-ईआईएण्डईपी]
राज सिंह, उप-मंचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 28th June, 2001

S.O. 1604.—In exercise of the power conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication

of this notification Delhi Test House, located their registered office at A-62/3, Industrial Area, GT Karnal Road, Azadpur, Delhi-110033, as an Agency for the inspection of Organic Chemicals specified in the Schedule to the Ministry of Commerce Notification number 1197 dated 15th April, 1966, prior to export, subject to the following conditions namely-

- (v) that Delhi Test House, Delhi shall give adequate facilities to the officers nominated by the Export Inspection council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Organic Chemicals (Inspection) Rules, 1966.
- (vi) that Delhi Test House, Delhi in the performance of thier function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/7/2001-EI&EP]
RAJ SINGH, Dy. Secy.

नई दिल्ली, 28 जून, 2001

का.आ.1605.—केन्द्रीय सरकार निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3978 तारीख 20-12-1965 की संलग्न अनुसूची में विनिर्दिष्ट क्रोम कम्प्लेक्स सहित खनिज को छोड़कर खनिज तथा अयस्क (ग्रुप-II) का दिल्ली में निर्यात से पूर्व निरीक्षण करने के लिए दिल्ली टेस्ट हाउस, दिल्ली जिनका रजिस्ट्रीकृत कार्यालय ए-62/3, इंडस्ट्रीयल एरिया, जी.टी. करनाल रोड, आजाद पुर, दिल्ली-110033 में स्थित है, को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्नलिखित शर्तों के अधीन एक अभिकरण के रूप में मान्यता प्रदान करती है अर्थात्:—

- (i) दिल्ली टेस्ट हाउस दिल्ली निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को उसके द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा जिससे कि खनिज तथा अयस्क (ग्रुप-II) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण प्रमाण पत्र दिया जा सके।

- (ii) दिल्ली टेस्ट हाउस दिल्ली इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) समय-समय पर लिखित में देंगे।

[फा. सं. 5(7)/2001-ईआईएण्डईपी]
राज सिंह, उप-मंचिव

New Delhi, the 28th June, 2001

S.O. 1605.—In exercise of the power conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication of this notification, Delhi Test House, located and having their registered office at A-62/3, Industrial Area, GT Karnal Road, Azadpur Delhi-110033, as an Agency for the inspection of Minerals and Ores (Group-II) specified in the Schedule annexed to the Ministry of Commerce Notification number 3978 dated 20th December, 1965 except for Chrome Ore including Chrome Concentrates, prior to export, subject to the following conditions namely:—

- (iii) that Delhi Test House, Delhi shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Minerals and Ores (Group-II) (Inspection) Rules, 1965.
- (iv) that Delhi Test House, Delhi in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/7/2001-EI&EP]
RAJ SINGH, D. Secy.

नई दिल्ली 28 जून, 2001

का.आ.1606.—केन्द्रीय सरकार निर्यात (बालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1270 तारीख 25 मार्च 1966 की संलग्न अनुसूची में विनिर्दिष्ट अकार्बनिक रसायन का दिल्ली में निर्यात से पूर्व निरीक्षण करने के लिए दिल्ली टेस्ट हाउस को जिनका रजिस्ट्रीकृत कार्यालय ए-62/3 इंडस्ट्रियल एरिया जी.टी. करनल रोड आजादपुर, दिल्ली, 110033 में स्थित है को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्नलिखित शर्तों के अधीन एक अभिकरण के रूप में मान्यता प्रदान करती है अर्थात् :—

- (i) दिल्ली टेस्ट हाउस दिल्ली निर्यात निरीक्षण परिपद् द्वारा इस संबंध में नामित अधिकारियों को उनके द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा जिससे कि अकार्बनिक रसायन के निर्यात (निरीक्षण) नियम 1966 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाण पत्र दिया जा सके।

- (ii) दिल्ली टेस्ट हाउस दिल्ली इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण और बालिटी नियंत्रण) सम-समय पर लिखित में देगे।

[फा. सं. 5/7/2001-ई आई एण्ड ई पी]

राज सिंह, उप सचिव

New Delhi, the 28th June, 2001

S.O. 1606.—In exercise of the power conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication of this notification Delhi Test House, located and having their registered office at A-62/3, Industrial Area, GT Karnal Road, Azadpur, Delhi-110033, as an Agency for the Inspection of Inorganic Chemicals specified in the Schedule annexed to the Ministry of Commerce Notification number 1770 dated 25th March, 1966 prior to export subject to the following conditions, namely—

- (i) that Delhi Test House, Delhi shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Inorganic Chemicals (Inspection) Rules, 1966;
- (ii) that Delhi Test House, Delhi in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/7/2001-EI&EP]

RAJ Singh, Dy. Secy.

मानव संसाधन विकास मंत्रालय
(माध्यमिक तथा उच्चतर शिक्षा विभाग)

नई दिल्ली, 27 जून, 2001

का.आ.1607.—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (माध्यमिक तथा उच्चतर शिक्षा विभाग) के अन्तर्गत निम्न स्वायत्त संगठन को जिसके 80 प्रतिशत से अधिक

कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिनूचित करती है।

राष्ट्रीय मुक्त विद्यालय
बी-31 बी, कैलाश कालोनी
नई दिल्ली-110048

[सं. 11011-9/2001-रा.भा.ए.]

डी. पी. बन्दूनी, निदेशक (रा. भा.)

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT

(Department of Sec. & Higher Education)

New Delhi, the 27th June, 2001

S.O. 1607.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Govt. hereby notifies of the following Autonomous Organisation under the Ministry of Human Resource Development (Deptt. of Sec. & Higher Education) more than 80% staff of which has acquired working knowledge of Hindi :—

National Open School,
B-31 B, Kailash Colony,
New Delhi-110048.

[No. 11011-9/2001-O.L.U]

D. P. BANDOONI, Director, (O.L.)

कोयला मंत्रालय

गुडि-पत्र

नई दिल्ली, 4 जुलाई, 2001

का.आ. 1608.—भारत के राजपत्र भाग-2, खंड 3, उपखंड (ii), तारीख 4 अक्टूबर, 1997 में पृष्ठ क्रमांक 4763 से 4766 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 2493 तारीख 25 सितम्बर, 1997 में :—

पृष्ठ क्रमांक 4763 पर :—अधिसूचना में—

परिच्छेद 1 में “835.794 एकड़” के स्थान पर
“835.894 एकड़” पढ़िए।

अनुसूची में—

(क) “कहन क्षेत्र” के स्थान पर “कन्हान क्षेत्र” पढ़िए।

(ख) (“रेखांक सं. सी.-1(ई) 3 एच आर 610—796 तारीख 15 जून, 1996”) के स्थान पर
“(रेखांक सं. सी.-1(ई) 3 एच आर/610—796 तारीख 15 जुलाई, 1996)” पढ़िए।

(ग) ग्राम स्तंभ में क्रम संख्यांक 4 में “नवटिया” के स्थान पर “नकाटिया” पढ़िए।

(घ) ग्राम स्तंभ में क्रम संख्यांक 5 में “दोभन” के स्थान पर “-----” पढ़िए।

और कम्पार्टमेंट संख्यांक स्तंभ के क्रम संख्यांक 5 में “15XLIII” के स्थान

“15XLIII”

पर सिर्फ “15” पढ़िए तथा क्रम संख्यांक 5 के कूप संख्यांक स्तंभ में “15”

“-----” के स्थान पर “XLYIII” पढ़िए।

“XLYIII”

(ङ) वन स्तंभ में क्रम संख्यांक 6 में “सामदानवार” के स्थान पर “सामदानवाग बरी” पढ़िए।

क्रम संख्यांक 6 के कम्पार्टमेंट संख्यांक स्तंभ में

16कXXX के स्थान पर “6क”

16कXXX

6क

पढ़िए। तथा क्रम संख्यांक 6 के

कूप संख्यांक स्तंभ में “ के स्थान पर” “XXX” पढ़िए।
“XXX”

पृष्ठ क्रमांक 4764 पर —

(1) “मावरी ग्राम में अर्जित किये जाने वाले प्लाट सं.” के स्थान पर “मावरी ग्राम में अर्जित किये गये प्लाट सं.” पढ़िए तथा “17 भाग” के स्थान पर “17” पढ़िए। एवं जहां कहीं “अर्जित किये जाने वाले” शब्दों का प्रयुक्त हुआ हो उसके स्थान पर “अर्जित किये गये” पढ़िए।

(2) “दोमर पठारे आरक्षित वन में अर्जित किये जाने वाले कम्पार्टमेंट सं. और कूप सं. में “दोमर पठार” के स्थान पर “दोभन पठार” पढ़िए और “XXVII भाग 1” के स्थान पर “XLVIII भाग” पढ़िए।

(3) समावनवारा बड़ा आरक्षित वन में अर्जित किये जाने वाले कम्पार्टमेंट सं. और कूप सं. में—
“समावनवारा बड़ा” के स्थान पर “सामवनवारा बरी” पढ़िए और

“कम्पार्टमेंट सं. 16 क भाग कूप सं. भाग”
के स्थान पर

“कम्पार्टमेंट सं. 16 क भाग कूप सं. XXX भाग”
पढ़िए।

(4) सीमा वर्णन में—

(क) रेखा ख-ग-घ में “रेखा कूप सं. XLIII 63” के
स्थान पर “रेखा कूप सं. XLIII” पढ़िए और
“धोगरी रपतवात्री” के स्थान पर “धोगरी,
रपतवात्री” पढ़िए।

(ख) रेखा ड-च में ग्राम “भावरी” के स्थान पर
“मावरी” पढ़िए।

(ग) रेखा च-छ में ग्राम “भावरी” के स्थान पर
“मावरी” पढ़िए और जहां कहीं यह शब्द
प्रयुक्त हुआ हो उसके स्थान पर “मावरी”
पढ़िए।

(घ) रेखा छ-ज में “7/9” के स्थान पर “7, 9” पढ़िए।

(ङ) रेखा झ-क में “वन के कूप सं. XLVIII”
के स्थान पर “वन के कूप सं. XLVIII,
XLII” पढ़िए।

[फा. सं. 43015/9/92—एनएसडब्ल्यू/पीआरआईडब्ल्यू]
संजय बहादुर, उप सचिव

MINISTRY OF COAL

CORRIGENDUM

New Delhi, the 4th July, 2001

S.O. 1608.—In the notification of the Govern-
ment of India in the Ministry of Coal number S.O.
2493, dated 25th September, 1997, published at
pages 4763 to 4766 of the Gazette of India, Part II,
Section 3, Sub-section (ii), dated the 4th October,
1997, at page 4765 in the Schedule, under the column
“Name of the Forest”, against Serial number, 5,
for “Dobhan-Pathar”, read “Doban-Pathar”.

[No. 43015/9/92-LW/PRIW]

SANJAY BAHADUR, Dy. Secy.

शुद्धि पत्र

नई दिल्ली, 5 जुलाई, 2001

का.आ. 1609.—भारत के राजपत्र, भाग 2, खंड 3,
उपखंड (ii) तारीख 24 मार्च, 2001 के पृष्ठ सं.

1178 से 1180 तक पर प्रकाशित, भारत सरकार के
कोयला मंत्रालय की अधिसूचना सं. का.आ. 594 तारीख
7 मार्च, 2001 में पृष्ठ सं. 1179 पर

सीमा वर्णन में (1) रेखा घ-इ में—रेखा “घ-इ” के
स्थान पर

रेखा “घ-इ” पढ़ें तथा “बिन्दु इ” पर
मिलती है के स्थान पर बिन्दु “इ” पर
मिलती है, पढ़ें।

(2) रेखा ड. च में—रेखा “ड-च” के
स्थान पर रेखा “इ-च” पढ़ें।

[सं. 43015/1/2001-पी.आर.आई.डब्ल्यू.]

संजय बहादुर, उप सचिव

CORRIGENDUM

New Delhi, the 5th July, 2001

S.O. 1609.—In the notification of the Govern-
ment of India in the Ministry of Coal number S.O.
594, dated the 7th March, 2001, published at pages
1178 to 1180 of the Gazette of India, Part-II, Section-3,
Sub-section (ii) dated the 24th March, 2001,—
at page 1180, in 3rd line, for “Nagpur-40001” read
“Nagpur-440 001”.

[No. 43015/1/2001-PRIW]

SANJAY BAHADUR, Dy. Secy.

शुद्धि-पत्र

नई दिल्ली, 6 जुलाई, 2001

का.आ. 1610.—भारत सरकार के राजपत्र तारीख
11-4-2001 के भाग 2, खंड 3, उपखंड (ii) में पृष्ठ
संख्या 1741 से 1743 पर प्रकाशित का.आ. 804
तारीख 21-4-2001 पर कुछ त्रुटियां पाई गई हैं जिसे
निम्न प्रकार पढ़ें :—

पृष्ठ संख्या 1741 में

पंक्ति संख्या 7 पर

कोयला नियंत्रक, काउंसिल हाउस स्ट्रीट, कोलकाता
के स्थान पर कोयला नियंत्रक 1, काउंसिल हाउस स्ट्रीट,
कोलकाता पढ़ें।

पृष्ठ संख्या 1742 पर

अनुसूची के पंक्ति 4 पर

जिला-छतरा के स्थान पर जिला चतरा पढ़ें।

थाना एवं जिला के पंक्ति में—

तंडवा के स्थान पर टंडवा एवं छतरा के स्थान चतरा पढ़ें।
सीमा वर्णन में

ख-ग-घ— रेखा होनहे गांव में से होकर होनहे, नवडीह के स्थान पर रेखा होनहे गांव में से होकर होनहे, नवडीहा पढ़ें।

घ-ङ-च-छ-ज— रेखा होनहे, और हेचबली गांवों चुन्वु नदी के स्थान पर रेखा होनहे और हेचावाली गांवों चुन्द्र नदी पढ़ें।

[सं. 43015/23/2000/पी.आर.आई.डब्ल्यू.]
संजय बहादुर, उप सचिव

पर्यटन एवं संस्कृति मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 12 जून, 2001

का.आ. 1611.—केन्द्रीय सरकार, राजभाषा (सघ के शासकीय प्रयोजनों के लिए) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पर्यटन एवं संस्कृति मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यमाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

“केन्द्रीय बौद्ध विद्या संस्थान चोगलामसर लेह लद्दाख”

[संख्या 1-2/95-हिन्दी]

गोरख नाथ, निदेशक (राजभाषा)

MINISTRY OF TOURISM AND CULTURE

(Department of Culture)

New Delhi, the 12th June, 2001

S.O. 1611.—In pursuance of Sub-Rule (4) of the rule 10 of the Official Language (use for Official purpose of the Union) Rules, 1976 the Central Govt. hereby notice the following office under the Ministry of Tourism & Culture, Deptt. of Culture more than 80% staff of which has acquired working knowledge of Hindi :—

Central Institute of Buddhist Studies, Lah Ladakh.

[F. No. 1-2/95-Hindi]
GORAKH NATH, Director (OL)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 20 जून, 001

का.आ. 1612.—केन्द्र सरकार एतद्वारा तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा 3 की उपधारा (3) के खंड (ग) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नांकित अधिकारियों को, तत्काल प्रभाव से तथा दो वर्ष से अतिरिक्त अवधि के लिए अथवा अगले आदेशों तक, इनमें जो भी पहले हो, तेल उद्योग विकास बोर्ड के सदस्यों के रूप में नियुक्त करती है :—

1. श्री सुबीर, राहा अध्यक्ष एवं प्रबंध निदेशक, आयल एवं नेचुरल गैस कॉर्पोरेशन लि.।
2. श्री जे. के. जैन, कार्यवाहक अध्यक्ष एवं प्रबंध निदेशक गैस अयोगिटी आफ इंडिया लि.।
3. श्री एम. ए. पठान, अध्यक्ष इंडियन आयल कॉर्पोरेशन लि.।
4. श्री यू. सुन्दराजन, अध्यक्ष एवं प्रबंध निदेशक, भारत पेट्रोलियम कॉर्पोरेशन लि.।
5. श्री अशोक चावला, कार्यवाहक अध्यक्ष एवं प्रबंध निदेशक, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि. (उनकी यह नियुक्ति आई पी सी एल के गैर-सरकारी कंपनी होने पर तत्काल समाप्त हो जाएगी)।

[संख्या जी-35012/2/91-वित्त-2]

एन. के. सिंह, निदेशक (वित्त)

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 20th June, 2001

S.O. 1612.—In exercise of the powers conferred by Clause (c) of Sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with immediate effect and for a period not exceeding two years or till further orders, whichever is earlier,

the following officers as Members of the Oil Industry Development Board:

1. Shri Subir Raha, Chairman & Managing Director, Oil & Natural Gas Corporation Ltd.
2. Shri J.K. Jain, Acting Chairman & Managing Director, Gas Authority of India Ltd.
3. Shri M.A. Pathan, Chairman, Indian Oil Corporation Ltd.
4. Shri U. Sundarajan, Chairman & Managing Director, Bharat Petroleum Corporation Ltd.
5. Shri Ashok Chawla, Acting Chairman & Managing Director, Indian Petrochemicals Corporation Ltd. (His appointment will terminate immediately on IPCL becoming a non-Government Company).

[No. G-35012/2/91-Fin.-II]

N.K. SINGH, Director (Finance)

नई दिल्ली, 20 जून, 2001

क्र.आ. 1613.—केन्द्रीय सरकार एन.डी.आर. तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा 3 की उपधारा (3) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेशक (आर एंड डी), इंडियन आयल कॉर्पोरेशन लि. को तत्काल प्रभाव से, अगले आदेशों तक और दो वर्ष से अधिक अवधि के लिए तेल उद्योग विकास बोर्ड के सदस्य के रूप में (तेल उद्योग की विशेष जनकारी या अनुभव रखने वाले व्यक्ति के रूप में) नियुक्त करती है।

[संख्या जी-35012/2/91-वित्त-II]

एन. के. सिंह, निदेशक (वित्त)

New Delhi, the 20th June, 2001

S.O. 1613.—In exercise of the powers conferred by Clause (d) of sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints with immediate effect and for a period not exceeding

two years, Director (R & D) Indian Oil Corporation Ltd. (as person having special knowledge or experience of oil industry) as a Member of the Oil Industry Development Board, until further orders.

[No. G-35012/2/91-Fin.II]

N.K. SINGH, Director (Finance)

नई दिल्ली, 28 जून, 2001

क्र.आ. 1614.—केन्द्रीय सरकार ने राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के अधीनस्थ सार्वजनिक क्षेत्र के उपक्रम इंजीनियर्स इंडिया लि. के कार्यालय :—एल.पी. जी रिक्वरी परियोजना कार्यालय, लाकवा, सिदसागर को, जिसके 80 प्रतिशत कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया था, अधिसूचना सं. 11011/1/97-98-हिन्दी, दिनांक 22-5-1998 के जरिए अधिसूचित किया था।

2. अब उपर्युक्त कार्यालय चूंकि कार्य पूरा होने पर बंद कर दिया गया है इसलिए केन्द्रीय सरकार इस कार्यालय को अनधिसूचित करती है।

[संख्या 11011(1)/1999-2001-हिन्दी]

सी. पी. सिंह, उप निदेशक (रा.भा.)

New Delhi, the 28th June, 2001

S.O. 1614.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government had notified 'Engineers India Limited's Office of LPG Recovery Project, LAKWA, Sidsagar, an Office of the Public Sector Undertaking under the control of the Ministry of Petroleum and Natural Gas, the staff whereof had acquired 80 per cent working knowledge of Hindi vide notification No. 11011/1/97-98-Hindi, dated 22 May, 1998.

2. Now, as the aforesaid Office has since been closed on completion of the task, the Central Government, therefore, denotifies this Office.

[No. 11011(1)/1999-2001 (Hindi)]

C.P. SINGH, Dy. Director (OL)

नई दिल्ली, 28 जून, 2001

का.प्र. 1615.--केन्द्रीय सरकार, राजनापा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रम के निम्नलिखित कार्यालयों को, जिनके 80 और अधिक प्रतिशत कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :--

इंडियन आयल कॉर्पोरेशन लि.

1. अरुम आयल डिवीजन, कलकत्ता ।

2. अरुम आयल डिवीजन, दिल्ली

इंडियन आयल कॉर्पोरेशन लि. (रिफाइनरी प्रभाग)

3. उत्तरी क्षेत्र, पाइपलाइन एवं कान्डला-भटिंडा पाइपलाइन, पानीपत ।

4. कान्डला-भटिंडा पाइपलाइन, भटिंडा

5. कान्डला-भटिंडा पाइपलाइन, संगरूर

6. कान्डला-भटिंडा पाइपलाइन, रेवाड़ी

7. कान्डला-भटिंडा पाइपलाइन, कोट

8. कान्डला-भटिंडा पाइपलाइन, सालावास

9. कान्डला-भटिंडा पाइपलाइन, सांगानेर

गैस अथॉरिटी आफ इंडिया लि.

10. हजिरा कम्प्रेसर स्टेशन,

पो. ऑ. एन. जी.सी. एल., हजिरा, सूरत (गुजरात) ।

11. उ.प्र. पेट्रोसायन परिसर ।

पाता, जिला-औरैया (उ.प्र.)-206241

[संख्या 11011/(1)/1999-2001-हिन्दी]

सी. पी. सिंह, उप निदेशक (रा.भा.)

New Delhi, the 28th June, 2001

S.O. 1615.--In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Offices of the Public Sector Undertaking under the administrative control of the Ministry of Petroleum and Natural Gas, the 80 and more percent staff whereof have acquired working knowledge of Hindi :--

Indian Oil Corporation Ltd.

1. Assam Oil Division,
Calcutta.

2. Assam Oil Division,
Delhi.

Indian Oil Corporation Ltd. (Refinery Division)

3. Northern Region, Pipelines and Kandla-Bhatinda Pipeline, PANIPAT.

4. Kandla-Bhatinda Pipeline, BHATINDA.

5. Kandla-Bhatinda Pipeline, SANGRUR.

6. Kandla-Bhatinda Pipeline, REWARI.

7. Kandla-Bhatinda Pipeline, KOT.

8. Kandla-Bhatinda Pipeline, SALAVAS.

9. Kandla-Bhatinda Pipeline, SANGANER.

Gas Authority of India Ltd.

10. Hazira Compressor Station,
P.O.N.G.C.L., HAZIRA, SURAT
(GUJARAT).

11. UP Petrochemical Complex,

PATA, Distt. AURAIYA (UP)-206241

[No. 11011(1)/1999-2001-Hindi]

C.P. SINGH, Dy. Director (OL)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 जुलाई, 2001

का. आ. 1616.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का० आ० 2334 (अ) तारीख 28 अक्टूबर, 2000 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, तमिलनाडू राज्य में नल्लूर थिरुमाकोट्टाई तक प्राकृतिक गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को क्रमशः 17 नवम्बर, 2000 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट प्रस्तुत कर दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त भूमि पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के लिए अपेक्षित है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित करने की घोषणा करती है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विलगमो से मुक्त गैस अथॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे न०.	क्षेत्रफल हेक्टेयर में
तिरुवर	मनारगुडी	74. नाल्लूर	1	0.03.0 G.P.
			27-3	0.03.5
			26-3	0.10.0
			26-4	0.00.5 G.P.
			26-5	0.08.0
			2-1	0.03.0
			4-1	0.11.0
			4-2	0.03.0
			4-3	0.04.5
			5-7	0.13.5
			TOTAL	0.60.0
तिरुवर	मनारगुडी	67 थिरुमाकोटी	511-4B	0.10.0
			510-3	0.02.0
			TOTAL	0.12.0

[फा. सं. एल. 14014/2/97-जी पी]

पी. एम. मीणा, निदेशक

Ministry of Petroleum and Natural Gas

New Delhi, the 4th July, 2001

S. O. 1616.—whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 2334 dated the 28th October, 2000, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said act), the Central Government declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas from Nallur to Thirumakkotai in the State of Tamil Nadu by the Gas Authority of India Limited;

And, whereas, the copies of the said Gazette notification were made available to the public on 17th day of November, 2000;

And, whereas, the competent authority has under sub-section (1) of section 6 of the said Act, has submitted report to the Central Government;

And, whereas, the Central Government has , after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the Gas Authority of India Limited, free from all encumbrances.

"Schedule"

DISTRICT	TALUK	VILLAGE	SURVEY NO.	AREA TO BE ACQUIRED FOR IN HECT.
TIRUVARUR	MANNARGUDI	74. NALLUR	1	0.03.0 G.P.
			27-3	0.03.5
			26-3	0.10.0
			26-4	0.00.5 G.P.
			26-5	0.08.0
			2-1	0.03.0
			4.1	0.11.0
			4.2	0.03.0
			4.3	0.04.5
			5.7	0.13.5
			TOTAL	0.60.0
TIRUVARUR	MANNARGUDI	67 THIRUMAKOTTAI	511.4B	0.10.0
			510.3	0.02.0
			TOTAL	0.12.0

[File No. L. 14014/2/97 GP]
P. M. MEENA, Director

नई दिल्ली, 4 जुलाई, 2001

का. आ. 1617.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का० आ० 59 (अ) तारीख 2 फरवरी, 1999, सं० का० आ० 597 (अ) तारीख 24 जुलाई, 1999, सं० का० आ० 1056 (अ) तारीख 9 दिसम्बर, 1998, सं० का० आ० 2559 (अ) तारीख 27 नवम्बर, 1998 और सं० का० आ० 57 (अ) तारीख 2 फरवरी, 1999 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, राजस्थान राज्य में काण्डला - जामनगर और लोनी तरल पेट्रोलियम गैस पाइपलाइन परियोजना के माध्यम से द्रव पेट्रोलियम गैस के परिवहन के लिए गैस आर्थोरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को क्रमशः 15 जनवरी, 2000, 25 अप्रैल, 2000, 30 मार्च, 2000, 15 सितम्बर, 2000 और 30 दिसम्बर, 1998 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट प्रस्तुत कर दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त भूमि पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के लिए अपेक्षित है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित करने की घोषणा करती है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी वित्तगमों से मुक्त गैस आर्थोरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	ग्राम	खसरा नं०	का.आ.उ.के लिए अर्जित की जाने वाली भूमि हेक्टेयर में
क	ख	ग	घ	ङ
पाली	रायपुर	धावडिया खुर्द	110	0.2100
			10	0.2127
			5	0.1033
			6	0.2138
			57	0.2254
			61	0.1540

जिला	तहसील	ग्राम	खसरा नं०	का.आ.उ.के लिए अर्जित की जाने वाली भूमि हेक्टेयर में
क	ख	ग	घ	ङ
			62	0.1160
			160	0.0380
			234	0.1540
			235	0.3141
			236	0.1287
			238	0.0633
			योग	1.9333
		खीवल	2718/1	0.2534
			योग	0.2534
		रामगढ	795	0.4715
			806	0.0150
			816	0.0150
			योग	0.5015
पाली	देसूरी	भेमडी	42	0.0200
			160	0.2030
			योग	0.2230
पाली	बाली	कोटबालिया	999	0.2080
			995	0.1280
			1130	0.4400
			1134	0.2400
			योग	1.0160
पाली	मारवाड जंक्शन	गादना	289	0.1646
			218	0.1760
			219	0.4688
			49	0.4030
			योग	1.2124
		राणावास	308	0.0600
			योग	0.0500

[फा. सं. एल. 14014/10/01-जी पी]

पी. एम. मीणा, निदेशक

New Delhi, the 4th July, 2001

S. O. 1617.— whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 59(E) dated the 2nd February 1999, S.O. 597(E) dated the 24th July 1999, S.O. 1056(E) dated 9th December 1998, S.O. 2559 dated the 27th November 1998 and S.O. 57(E) dated the 2nd February 1999, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of liquid petroleum gas through Kandla/Jamnagar-Loni Pipeline Project in the State of Rajasthan by the Gas Authority of India Limited;

And, whereas, the copies of the said Gazette notifications were made available to the public on 15th day of January 2000, 25th day of April 2000, 30th day of March 2000, 15th day of September 2000 and 30th Day of December 1998 respectively;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, has submitted report to the Central Government;

And, whereas, the Central Government has, after considering the said report, is satisfied that the said land required for laying of the pipelines for transportation of petroleum product ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Gas Authority of India Limited, free from all encumbrances.

Distt.	Tehsil	Village	Survey No.	Land to be acquired for R.O.U. (In Hectares)
A	B	C	D	E
Pali	Raipur	Chwandia Khurd	110	0.2100
			10	0.2127
			5	0.1033
			6	0.2138
			57	0.2254
			61	0.1540
			62	0.1160
			160	0.0380
			234	0.1540
			235	0.3141
			236	0.1287
			238	0.0633
			Total	1.9333
		Khiwal	2718/1	0.2534
			Total	0.2534
		Ramgarh	795	0.4715
			806	0.0150
			816	0.0150
			Total	0.5015
Pali	Desuri	Ghenri	42	0.0200
			160	0.2030
			Total	0.2230
Pali	Bali	Kotbaliya	999	0.2080
			995	0.1280
			1130	0.4400
			1134	0.2400
			Total	1.0160

Distt.	Tehsil	Village	Survey No.	Land to be acquired for R.O.U. (In Hectares)
A	B	C	D	E
Pali	Marwar Junction	Gadana	289	0.1646
			218	0.1760
			219	0.4688
			49	0.4030
		Ranawas	Total	1.2124
			308	0.0500
			Total	0.0500

[File No. L. 14014/10/01 GP]
P. M. MEENA, Director

नई दिल्ली, 4 जुलाई, 2001

का. आ. 1618.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का० आ० 750 (अ) तारीख 16 अगस्त, 2000, सं० का० आ० 749 (अ) तारीख 16 अगस्त, 2000 और सं० का० आ० 2556 (अ) तारीख 9 नवम्बर, 1998 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, राजस्थान राज्य में काण्डला-जामनगर और लोनी तरल पेट्रोलियम गैस पाइपलाइन परियोजना के माध्यम से द्रव पेट्रोलियम के गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा कर दी थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को क्रमशः 15 सितम्बर, 2000, 27 सितम्बर, 2000 और 15 दिसम्बर, 1998 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट प्रस्तुत कर दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त भूमि पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन विछाने के लिए अपेक्षित है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन विछाने के लिए उपयोग का अधिकार अर्जित करने की घोषणा करती है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी वित्तगतों से मुक्त गैस अथॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

जिला	तहसील	ग्राम	खसरा नं०	का.आ.उ.के लिए अर्जित की जाने वाली भूमि हेक्टेयर में
क	ख	ग	घ	ङ
जयपुर	कोटपूतली	पीपूठाला	33	0.0440
			योग	0.0440
जयपुर	जयपुर	चक रामसर	245	0.1000
			योग	0.1000
जयपुर	बुद्ध	हरसौली	1844/2360	0.0040
			योग	0.0040

[फा. सं. एल. 14014/10/01-जी पी]
पी. एम. सीणा, निदेशक

New Delhi, the 4th July, 2001

S. O. 1618.— whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 750(E) dated the 16th August 2000, S.O. 749(E) dated the 16th August 2000 and S.O. 2556(E) dated 27th November, 1998 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of liquid petroleum gas through Kandla/Jamnagar-Loni Pipeline Project in the State of Rajasthan by the Gas Authority of India Limited;

And, whereas, the copies of the said Gazette notifications were made available to the public on 15th day of September 2000, 27th day of September, 2000 and 15th Day of December 1998 respectively;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, has submitted report to the Central Government;

And, whereas, the Central Government has, after considering the said report, is satisfied that the said land required for laying of the pipelines for transportation of petroleum product ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines:

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Gas Authority of India Limited, free from all encumbrances.

Schedule

Distt.	Tehsil	Village	Survey No.	Land to be acquired for R.O.U. (In Hectares)
A	B	C	D	E
Jaipur	Kotputli	Panchu Dala	33	0.0440
			Total	0.0440
Jaipur	Jaipur	Chak Ramsar	245	0.1000
			Total	0.1000
Jaipur	Dudu	Harsoli	1644/2360	0.0040
			Total	0.0040

[File No. L. 14014/10/01 GP]
P. M. MEENA, Director

नई दिल्ली, 4 जुलाई, 2001

का. आ. 1619.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी जी एस कोसाम्बा से गुजरात ग्लास तक प्राकृतिक गैस के परिवहन के लिए, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक है कि उस भूमि में, जिस में उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिनों के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, दर्पण बिल्डिंग, आर० सी० दत्त रोड, वडोदरा-390005, गुजरात को कर सकेगा।

“अनुसूची”

जिला	तहसील	गाँव	सर्वे नं०	क्षेत्रफल हेक्टेयर में
सूरत	मौंगरोड	तरसाडी	673	0-16-95
			676	0-46-95
			680	0-18-16
			नाला	0-01-50
			775	0-11-65
				0-95-20
सूरत	मौंगरोड	कुवारदा	748	0-29-32
			कार्ट ट्रैक	0-00-98
			787	0-07-13
			791/A	0-07-56
			792	0-11-79
			793	0-08-25
			केनाल	0-03-00
			794	0-05-70
			223	0-08-81
			822	0-00-52
			821	0-06-91
			820	0-05-48
			3	0-00-95
			6	0-09-00
			12	0-18-80

(अनुसूची)

जिला	तहसील	गाँव	सर्वे नं०	क्षेत्रफल हेक्टेयर में
सुरत	माँगरोड	तरसाडी	इन 12/पैकी 8 10 9 10/पैकी बेनाल रोड 143 142	0-00-60 0-06-92 0-15-93 0-06-88 0-03-03 0-01-70 0-00-90 0-00-90 0-05-95 0-18-15
सुरत	माँगरोड	कुवारदा	138 137 136 135 150 149 151 नाला कुल योग	0-13-27 0-16-36 0-08-18 0-14-70 0-11-95 0-04-55 0-14-55 0-04-95 0-10-64

फाइल सं०-एल० 14014/11/01 जी पी
पी० एम० मीणा, निदेशक

New Delhi, the 4th July, 2001

S.O. 1619.— whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of natural gas from GGS Kosamba to Gujarat Glass in the State of Gujarat, pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land, under which the said pipeline is proposed to be laid and which is described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines(Acquisition of Right of User in Land) Act, 1962 (50 of 1962),the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general Public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Darpan building, R.C.Dutt Road, Vadodara-390005, Gujarat.

"Schedule"

District	Tehsil	Village	Survey No.	Area in Hectare
Surat	Mangrol	Tarsadi	673	0-16-95
			676	0-46-95
			680	0-18-15
			NALA	0-01-50
			775	0-11-65
			Total:-	0-95-20
Surat	Mangrol	Kuwarda	748	0-29-32
			Cart-Track	0-00-90
			787	0-07-13
			791/A	0-07-56
			792	0-11-79
			793	0-08-25

District	Tehsil	Village	Survey No.	Area in Hectare
Surat	Mangrol	Kuwarda	CANAL	0-03-00
			794	0-05-70
			223	0-08-81
			822	0-00-52
			821	0-06-91
			820	0-05-48
			3	0-00-95
			6	0-09-00
			12	0-18-80
			Drain	0-00-60
			12/Paiki	0-06-92
			8	0-15-93
			10	0-06-88
			9	0-08-03
			10/paiki	0-01-70
			Canal	0-00-90
			Road	0-00-90
			143	0-05-95
			142	0-18-15
			138	0-13-27
			137	0-16-36
			136	0-08-18
			135	0-14-70
			150	0-11-95
			149	0-04-55
			151	0-14-55
			NAKA	0-04-95
			TOTAL	02-10-64

[File No. L-14014/11/01-GP]

P. M. Meena, Director

नई दिल्ली, 9 जुलाई, 2001

का. आ. 1620.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई, कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्शनों के संवर्द्धन के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के लिए इस अधिसूचना से सलग्न अनुसूची में वर्णित उस भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है; जिसके नीचे उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है।

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में लिखित रूप में आक्षेप, श्री सुनील शर्मा सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानन्द नगर, गोपालपुरा बाईपास के निकट जयपुर, (राजस्थान)-302018 को कर सकेगा।

अनुसूची

तहसील: मालपुरा

जिला: टोंक

राज्य: राजस्थान

गौव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
औटोली	954/3	0	03	74
	954/6	0	20	52
	954/2	0	07	07
	954/9	0	00	29
	954/8	0	01	05
	955	0	17	39
	956	0	00	21
	958	0	03	25
	946/3/2	0	10	23
	948	0	11	00
	265/2	0	10	84
	268	0	03	47
	267	0	00	12
	269	0	06	16
	706 मीन	0	00	66
	705	0	02	20
	704	0	11	69
	698	0	14	94
	688	0	12	96
	674/1	0	17	49
	673	0	18	94
	671/1	0	15	81
	669/3	0	08	45
	669/2	0	05	63
	669/4	0	05	63
	669/5	0	05	63
	667	0	01	54
	666	0	41	03
	664/2	0	00	60
	647	0	01	43
	646	0	11	61
	641	0	05	28
	645	0	04	29
	644	0	06	05
	652	0	09	65
	653	0	07	70

1	2	3	4	5
	629/2	0	20	24
लडी	1/1/2	0	24	86
	2/2	0	02	1)
	1/1/18	0	07	43
	1/1/17	0	12	54
	1/1/13/2	0	11	88
	1/1/3	0	09	24
	1/1/24	0	14	33
	99/1/2	0	13	15
	99/5	0	22	66
	99/6	0	07	81
	99/9	0	00	69
	99/3	0	03	08
	99/2	0	10	29
	99/4	0	13	31
	100/1/4	0	09	58
डेराणी	820/1/2	0	21	34
	853	0	31	52
	854/1/1	0	01	80
	852	0	02	26
	850	0	06	93
	849	0	02	70
	848	0	03	78
	847	0	14	70
	857	0	01	32
	859	0	05	31
	846	0	38	45
	785	0	26	50
कुराड	1034/1/1	0	02	88
	1034/1/2	0	18	66
	1034/2	0	07	18
	1033/2/1	0	01	95
	1033/2/4	0	06	25
	1033/4/1	0	01	95
	1027	0	00	11
	1036	0	02	42
	1035	0	20	47
	1018/1/2	0	24	50
	1018/2	0	07	70
	1017	0	37	58
	1149	0	53	54
	1150	0	01	01

1	2	3	4	5
	1170	0	17	80
	1169	0	00	75
	1267/2	0	16	33
	1266	0	02	20
	1265/1	0	14	54
	1317	0	01	86
	1318/2	0	04	64
	1318/3	0	16	17
	1327	C	03	41
	1329	0	01	90
	1330/1	0	04	59
	1333	0	04	43
	1334	0	01	29
	1335	0	01	46
	1336	0	06	72
	1337/1/2	0	08	65
	1386	0	09	44
	961	0	18	83
	960	0	00	50
	1392	0	01	98
	1393	0	08	47
	959	0	00	22
	1396/2	0	04	81
	1394	0	00	77
	1395/1	0	01	06
	1395/2	0	11	50
	944	0	00	50
	943	0	16	13
	942/2	0	00	47
	916/2	0	07	87
	914	0	09	54
	913	0	01	05
	912	0	16	39
	911	0	01	01
	910	0	01	35
स्याह	626/2	0	05	28
	626/1	0	05	28
	628	0	04	40
	629	0	02	52
	625/2	0	09	56
	634/1/2	0	11	88
	635	0	14	30

1	2	3	4	5
	619/1/1	0	12	54
	666	0	17	38
	618/2	0	01	89
	667	0	05	28
	668	0	00	36
	674/1	0	10	56
	674/2	0	01	53
	675/2	0	03	03
	675/3	0	03	52
	683	0	10	67
	684	0	05	28
	698/1	0	07	92
	713	0	13	42
	724/1	0	00	12
	714	0	13	97
	721/1	0	05	28
	721/2	0	05	28
	1169/1	0	05	39
	1168/2	0	03	08
	1212/4	0	11	00
	1210	0	00	21
	1211	0	11	22
	1213/1	0	08	36
	1204/2	0	07	04
	1102/1/22	0	01	54
	1102/1/20	0	03	08
	1112	0	10	34
	1108/4	0	01	32
	1108/1	0	20	57
	1108/2	0	02	97
	1102/1/10	0	07	92
	1102/1/9	0	05	23
	1102/2/5	0	03	96
	1102/1/23	0	07	59
	1102/1/2	0	04	18
	1102/1/5	0	02	64
	1115/2	0	03	63
	1115/3	0	00	97
	1115/1	0	12	32
	1102/1/4	0	00	68
	1115/5	0	00	06
	1117/2	0	07	26

1	2	3	4	5
	1117/1	0	01	08
	1102/1/1	0	06	82
बरोल	1/1/1	0	04	99
पच्चेवर	2140/1	0	13	88
	2143	0	21	12
	2144/2	0	02	31
	2173/4	0	12	87
	2176	0	08	36
	2175	0	01	76
	2410/2	0	06	31
	2410/3	0	06	31
	2401/4	0	09	52
	2401/3	0	04	76
	2401/2	0	05	20
	2400/2	0	00	44
	2391/4	0	02	82
	2391/5	0	02	82
	2391/6	0	01	41
	2389	0	00	37
	2386	0	00	48
	2385/6	0	03	65
	2437/1	0	01	10
	2437/2	0	12	70
	2385/3	0	11	57
	2385/1	0	00	90
	2440/2	0	22	63
	2440/1	0	04	74
	2465	0	22	68
	2464/1	0	04	00
	2463	0	09	43
	2462	0	04	51
	2490/1	0	18	64
	2490/2	0	07	99
	2507/2	0	21	85
	2506/2	0	10	13
	2506/1	0	05	02
	2502/1	0	08	80
	2503	0	08	48
	2504	0	16	74
	8769	0	02	81
	8770	0	05	47
	8767/1	0	17	44

1	2	3	4	5
	8753	0	11	17
	8752	0	11	28
	8751	0	15	40
	8750	0	01	32
	8747	0	11	65
	8746	0	09	27
	8676/1	0	08	65
	8674	0	17	42
	8671	0	01	17
	8672	0	26	20
	8673	0	01	40
	8654	0	13	20
	8655	0	14	31
	8567	0	11	69
	8568	0	06	82
	8571	0	07	43
	8578	0	00	69
	8559/3	0	10	73
	8556/2	0	25	91
	8555/2	0	06	38
	8551/2/1	0	05	06
	7542	0	03	25
	7546	0	02	27
	7545	0	08	84
	7543	0	09	97
	7536/2	0	02	86
	7536/1	0	03	96
	7535	0	08	75
	7534	0	00	10
	7533	0	06	02
	7532	0	01	10
	7523	0	14	36
	7496	0	23	38
	7491	0	08	51
	7456	0	01	15
	8442	0	30	58
	8439	0	00	07
मलीकपुर	138	0	00	86
	136	0	02	01
	135	0	07	40
	134	0	01	42
	130	0	00	55

1	2	3	4	5
	119/1	0	15	46
	119/2	0	06	85
	126	0	05	46
	120	0	02	20
	114	0	09	40
	113	0	01	76
	81	0	03	30
	79	0	03	35
	78	0	00	47
	77	0	01	32
	85	0	01	65
	86	0	00	96
	74	0	01	38
	67	0	13	73
	65/1	0	00	79
	66	0	00	96
	65/2	0	01	99
	64/2	0	07	48
	63/1	0	01	94
	62/1	0	02	12
	58	0	00	22
	59	0	07	59
	57	0	04	08
	55/5	0	00	39
	55/6	0	07	12
	55/4	0	01	46
	315	0	03	29
	319	0	18	85
	320	0	00	75
	321/1	0	01	52
	322/1	0	00	75
	329	0	01	98
	330	0	12	09
	328/2	0	01	32
	331	0	02	42
	334/1	0	08	44
	334/2	0	01	13
	335	0	10	64
	336	0	00	27
	380	0	01	20
	379	0	00	44
	378	0	09	00

1	2	3	4	5
	384	0	02	42
	376/2	0	03	63
	385	0	00	66
	388	0	03	87
	389	0	03	89
	387/1	0	10	33
	393	0	02	61
	397	0	02	09
	400	0	13	37
	415	0	00	88
	414/1	0	00	50
	413	0	05	63
	412	0	01	23
	408/1/3	0	06	95
	409/1	0	10	47
	422/3	0	06	73
किराबल	1108	0	00	57
	1145/1 मीन	0	41	95
	1124	0	02	75
	1125	0	07	82
	1126/1 मीन	0	10	34
	1126/3	0	10	34
	1102/1 मीन	0	18	70
	1102/1/2 मीन	0	09	35
	1102/4 मीन	0	18	70
	1102/6	0	15	59
	1100	0	09	52
	1098	0	01	09
	1099	0	05	46
	1089	0	00	88
	1090	0	01	76
	1088	0	03	66
	1077	0	34	30
	1075	0	00	71
	1023	0	00	11
	1076	0	16	75
	1026	0	02	92
	1027	0	03	19
	1025	0	05	17
	1029	0	06	23
	1017 मीन	0	03	41
	1013	0	00	88

1	2	3	4	5
	1005	0	09	05
	1003	0	02	40
	1002	0	01	52
	1001	0	05	94
	990	0	07	56
	940	0	00	02
	937	0	03	79
	927	0	00	03
	929	0	03	41
	928	0	03	30
	908	0	00	68
	905	0	00	96
	907	0	03	51
	906	0	02	70
	893	0	09	18
	891	0	03	41
	890	0	00	03
	842	0	03	63
	843	0	01	31
	841	0	03	79
	837	0	01	32
	839	0	00	15
	838	0	01	40
	836	0	03	07
	662	0	04	09
	663	0	01	68
	664	0	00	19
	680	0	00	32
	679	0	08	05
	667	0	00	07
	678	0	07	26
	676	0	00	18
	689	0	00	15
	690	0	04	84
	728	0	01	13
	727	0	06	82
	741/2	0	00	08
	746	0	05	50
	747	0	05	67
	748	0	02	20
	744	0	05	39
	754	0	03	96

1	2	3	4	5
	531	0	14	80
	530	0	05	76
	528	0	08	84
	527	0	07	91
	526	0	22	42
	524/2	0	34	71
	498/2	0	14	58
चाबेडीया	1/14	0	03	05
	1/12	0	11	21
	2/1 मीन	0	01	49
	2/2 मीन	0	01	49
	3/1 मीन	0	02	09
	3/2 मीन	0	02	09
	3/3 मीन	0	02	09
	3/4 मीन	0	02	09
	1/10	0	18	70
	1/5	0	06	05
	1/11	0	04	42
	1/9	0	12	20
	1/8	0	18	51
आरनियाबस्सी	350/4	0	09	10
	350/3	0	04	04
	351	0	10	41
	335	0	08	02
	343	0	09	25
	341	0	04	13
	336	0	06	08
	337	0	10	00
	331 मीन	0	09	11
	330/1	0	14	22
	326	0	02	75
	327	0	05	28
	325	0	12	51
	323	0	00	66
	324	0	12	14
	401/6	0	04	62
	401/7	0	12	79
	260	0	10	26
	259	0	04	40
	258	0	01	49
	261	0	07	70
	256	0	04	02

1	2	3	4	5
	255	0	08	36
	245	0	15	40
	240	0	09	19
	241	0	11	66
	219	0	26	01
	220	0	02	83
	213/1	0	06	05
	213/3	0	23	12
	161	0	18	34
	173	0	12	95
	174	0	07	59
	172	0	06	82
	171	0	06	33
	169	0	14	85

[फा. सं. 25011/13/2001-ओ.आर-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 9th July, 2001

S. O. 1620.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Virangam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Virangam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura pipeline System".

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, near Gopalpura Bypass, Jaipur, Rajasthan - 302018.

SCHEDULE**Tehsil : Malpura****District : Tonk****State : Rajasthan**

Name of Village	Khasara No.	Hectare	Area	
			Are	Sq.mtr.
1	2	3	4	5
Antoli	954/3	0	03	74
	954/6	0	20	52
	954/2	0	07	07
	954/9	0	00	29
	954/8	0	01	05
	955	0	17	39
	956	0	00	21
	958	0	03	25
	946/3/2	0	10	23
	948	0	11	00
	265/2	0	10	84
	268	0	03	47
	267	0	00	12
	269	0	06	16
	706 Min	0	00	66
	705	0	02	20
	704	0	11	69
	698	0	14	94
	688	0	12	96
	674/1	0	17	49
	673	0	18	94
	671/1	0	15	81
	669/3	0	08	45
	669/2	0	05	63
	669/4	0	05	63
	669/5	0	05	63
	667	0	01	54
	666	0	41	03
	664/2	0	00	60
	647	0	01	43
	646	0	11	61
	641	0	05	28
	645	0	04	29
	644	0	06	05
	652	0	09	65
	653	0	07	70

1	2	3	4	5
	629/2	0	20	24
Ladi	1/1/2	0	24	86
	2/2	0	02	10
	1/1/18	0	07	43
	1/1/17	0	12	54
	1/1/13/2	0	11	88
	1/1/3	0	09	24
	1/1/24	0	14	33
	99/1/2	0	13	15
	99/5	0	22	66
	99/6	0	07	81
	99/9	0	00	69
	99/3	0	03	08
	99/2	0	10	29
	99/4	0	13	31
	100/1/4	0	09	58
Dethani	820/1/2	0	21	34
	853	0	31	52
	854/1/1	0	01	80
	852	0	02	26
	850	0	06	93
	849	0	02	70
	848	0	03	78
	847	0	14	70
	857	0	01	32
	859	0	05	31
	846	0	38	45
	785	0	26	50
Kurar	1034/1/1	0	02	88
	1034/1/2	0	18	66
	1034/2	0	07	18
	1033/2/1	0	01	95
	1033/2/4	0	06	25
	1033/4/1	0	01	95
	1027	0	00	11
	1036	0	02	42
	1035	0	20	47
	1018/1/2	0	24	50
	1018/2	0	07	70
	1017	0	37	58
	1149	0	53	54
	1150	0	01	01

1	2	3	4	5
	1170	0	17	80
	1169	0	00	75
	1267/2	0	16	33
	1266	0	02	20
	1265/1	0	14	54
	1317	0	01	86
	1318/2	0	04	64
	1318/3	0	16	17
	1327	0	03	41
	1329	0	01	90
	1330/1	0	04	59
	1333	0	04	43
	1334	0	01	29
	1335	0	01	46
	1336	0	06	72
	1337/1/2	0	08	65
	1386	0	09	44
	961	0	18	83
	960	0	00	50
	1392	0	01	98
	1393	0	08	47
	959	0	00	22
	1396/2	0	04	81
	1394	0	00	77
	1395/1	0	01	08
	1395/2	0	11	50
	944	0	00	50
	943	0	16	13
	942/2	0	00	47
	916/2	0	07	87
	914	0	09	54
	913	0	01	05
	912	0	16	39
	911	0	01	01
	910	0	01	35
Syah	626/2	0	05	28
	626/1	0	05	28
	628	0	04	40
	629	0	02	52
	625/2	0	09	56
	634/1/2	0	11	88
	635	0	14	30

1	2	3	4	5
	619/1/1	0	12	54
	666	0	17	38
	618/2	0	01	89
	667	0	05	28
	668	0	00	36
	674/1	0	10	56
	674/2	0	01	53
	675/2	0	03	03
	675/3	0	03	52
	683	0	10	67
	684	0	05	28
	698/1	0	07	92
	713	0	13	42
	724/1	0	00	12
	714	0	13	97
	721/1	0	05	28
	721/2	0	05	28
	1169/1	0	05	39
	1168/2	0	03	08
	1212/4	0	11	00
	1210	0	00	21
	1211	0	11	22
	1213/1	0	08	36
	1204/2	0	07	04
	1102/1/22	0	01	54
	1102/1/20	0	03	08
	1112	0	10	34
	1108/4	0	01	32
	1108/1	0	20	57
	1108/2	0	02	97
	1102/1/10	0	07	92
	1102/1/9	0	05	23
	1102/2/5	0	03	96
	1102/1/23	0	07	59
	1102/1/2	0	04	18
	1102/1/5	0	02	64
	1115/2	0	03	63
	1115/3	0	00	97
	1115/1	0	12	32
	1102/1/4	0	00	68
	1115/5	0	00	06
	1117/2	0	07	26

1	2	3	4	5
Barol Pachewar	1117/1	0	01	08
	1102/1/1	0	06	82
	1/1/1	0	04	99
	2140/1	0	13	88
	2143	0	21	12
	2144/2	0	02	31
	2173/4	0	12	87
	2176	0	08	36
	2175	0	01	76
	2410/2	0	06	31
	2410/3	0	06	31
	2401/4	0	09	52
	2401/3	0	04	76
	2401/2	0	05	20
	2400/2	0	00	44
	2391/4	0	02	82
	2391/5	0	02	82
	2391/6	0	01	41
	2389	0	00	37
	2386	0	00	48
	2385/6	0	03	65
	2437/1	0	01	10
	2437/2	0	12	70
	2385/3	0	11	57
	2385/1	0	00	90
	2440/2	0	22	63
	2440/1	0	04	74
	2465	0	22	68
	2464/1	0	04	00
	2463	0	09	43
	2462	0	04	51
	2490/1	0	18	64
	2490/2	0	07	99
	2507/2	0	21	85
	2506/2	0	10	13
	2506/1	0	05	02
	2502/1	0	08	80
	2503	0	08	48
	2504	0	16	74
	8769	0	02	81
	8770	0	05	47
	8767/1	0	17	44

1	2	3	4	5
	8753	0	11	17
	8752	0	11	28
	8751	0	15	40
	8750	0	01	32
	8747	0	11	65
	8746	0	09	27
	8676/1	0	08	65
	8674	0	17	42
	8671	0	01	17
	8672	0	26	20
	8673	0	01	40
	8654	0	13	20
	8655	0	14	31
	8567	0	11	69
	8568	0	06	82
	8571	0	07	43
	8578	0	00	69
	8559/3	0	10	73
	8556/2	0	25	91
	8555/2	0	06	38
	8551/2/1	0	05	06
	7542	0	03	25
	7546	0	02	27
	7545	0	08	84
	7543	0	09	97
	7536/2	0	02	86
	7536/1	0	03	96
	7535	0	08	75
	7534	0	00	10
	7533	0	06	02
	7532	0	01	10
	7523	0	14	36
	7496	0	23	38
	7491	0	08	51
	7456	0	01	15
	8442	0	30	58
	8439	0	00	07
Malikpur	138	0	00	86
	136	0	02	01
	135	0	07	40
	134	0	01	42
	130	0	00	55

1	2	3	4	5
	119/1	0	15	46
	119/2	0	06	85
	126	0	05	46
	120	0	02	20
	114	0	09	40
	113	0	01	76
	81	0	03	30
	79	0	03	35
	78	0	00	47
	77	0	01	32
	85	0	01	65
	86	0	00	96
	74	0	01	38
	67	0	13	73
	65/1	0	00	79
	66	0	00	96
	65/2	0	01	99
	64/2	0	07	48
	63/1	0	01	94
	62/1	0	02	12
	58	0	00	22
	59	0	07	59
	57	0	04	08
	55/5	0	00	39
	55/6	0	07	12
	55/4	0	01	46
	315	0	03	29
	319	0	18	85
	320	0	00	75
	321/1	0	01	52
	322/1	0	00	75
	329	0	01	98
	330	0	12	09
	328/2	0	01	32
	331	0	02	42
	334/1	0	08	44
	334/2	0	01	13
	335	0	10	64
	336	0	00	27
	380	0	01	20
	379	0	00	44
	378	0	09	00

1	2	3	4	5
	384	0	02	42
	376/2	0	03	63
	385	0	00	66
	388	0	03	87
	389	0	03	89
	387/1	0	10	33
	393	0	02	61
	397	0	02	09
	400	0	13	37
	415	0	00	88
	414/1	0	00	50
	413	0	05	63
	412	0	01	23
	408/1/3	0	06	95
	409/1	0	10	47
	422/3	0	06	73
Kirawal	1108	0	00	57
	1145/1Min	0	41	95
	1124	0	02	75
	1125	0	07	82
	1126/1 Min	0	10	34
	1126/3	0	10	34
	1102/1Min	0	18	70
	1102/1/2 Min	0	09	35
	1102/4 Min	0	18	70
	1102/6	0	15	59
	1100	0	09	52
	1098	0	01	09
	1099	0	05	46
	1089	0	00	88
	1090	0	01	76
	1088	0	03	66
	1077	0	34	30
	1075	0	00	71
	1023	0	00	11
	1076	0	16	75
	1026	0	02	92
	1027	0	03	19
	1025	0	05	17
	1029	0	06	23
	1017Min	0	03	41
	1013	0	00	88

1	2	3	4	5
	1005	0	09	05
	1003	0	02	40
	1002	0	01	52
	1001	0	05	94
	990	0	07	56
	940	0	00	02
	937	0	03	79
	927	0	00	03
	929	0	03	41
	928	0	03	30
	908	0	00	68
	905	0	00	96
	907	0	03	51
	906	0	02	70
	893	0	09	18
	891	0	03	41
	890	0	00	03
	842	0	03	63
	843	0	01	31
	841	0	03	79
	837	0	01	32
	839	0	00	15
	838	0	01	40
	836	0	03	07
	662	0	04	09
	663	0	01	68
	664	0	00	19
	680	0	00	32
	679	0	08	05
	667	0	00	07
	678	0	07	26
	676	0	00	18
	689	0	00	15
	690	0	04	84
	728	0	01	13
	727	0	06	82
	741/2	0	00	08
	746	0	05	50
	747	0	05	67
	748	0	02	20
	744	0	05	39
	754	0	03	96
	531	0	14	80
	530	0	05	76
	528	0	06	84
	527	0	07	91
	526	0	22	42
	524/2	0	34	71
	498/2	0	14	58

1	2	3	4	5
Chawandiya	1/14	0	03	05
	1/12	0	11	21
	2/1 Min	0	01	49
	2/2 Min	0	01	49
	3/1 Min	0	02	09
	3/2 Min	0	02	09
	3/3 Min	0	02	09
	3/4 Min	0	02	09
	1/10	0	18	70
	1/5	0	06	05
	1/11	0	04	42
	1/9	0	12	20
	1/8	0	18	51
Arniyabassi	350/4	0	09	10
	350/3	0	04	04
	351	0	10	41
	335	0	06	02
	343	0	09	25
	341	0	04	13
	336	0	06	08
	337	0	10	00
	331Min	0	09	11
	330/1	0	14	22
	326	0	02	75
	327	0	05	28
	325	0	12	51
	323	0	00	66
	324	0	12	14
	401/6	0	04	62
	401/7	0	12	79
	260	0	10	26
	259	0	04	40
	258	0	01	49
	261	0	07	70
	256	0	04	02
	255	0	08	36
	245	0	15	40
	240	0	09	19
	241	0	11	66
	219	0	26	01
	220	0	02	83
	213/1	0	06	05
	213/3	0	23	12
	161	0	18	34
	173	0	12	95
	174	0	07	59
	172	0	06	82
	171	0	06	33
	169	0	14	85

नई दिल्ली, 9 जुलाई, 2001

का. आ. 1621.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई, कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्शनों के संवर्द्धन के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के लिए इस अधिसूचना से सलग्न अनुसूची में वर्णित उस भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है; जिसके नीचे उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में लिखित रूप में आक्षेप, श्री सुनील शर्मा सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानन्द नगर, गोपालपुरा बाईपास के निकट जयपुर (राजस्थान)-302018, को कर सकेगा।

अनुसूची

तहसील:फागी

जिला:जयपुर

राज्य:राजस्थान

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
मेदवास	1795	0	30	57
	1795/2371	0	00	76
	1798	0	06	78
	1801	0	04	57
	1800	0	11	08
	1837	0	01	28
	1836	0	02	21
	1850/2379	0	08	21
	1850	0	08	36
	1851	0	07	92
	1852	0	09	01
	1853	0	02	86
	1999	0	06	84
	1997	0	03	08
	1900	0	09	44
	1994	0	06	88
	1993	0	08	00
	1992	0	17	12
	1782/2369	0	00	66
	2020	0	08	20
	1983	0	00	21
	1984	0	00	88
	1985	0	00	45
	1986	0	05	42
	1982	0	03	96
	1981	0	03	30
	2025	0	01	98
निमेड़ा	1114	0	00	94
	1102	0	20	94
	1103	0	00	62
	1062	0	00	77

1	2	3	4	5
	1205/5	0	17	41
	1226/1	0	05	76
	1228	0	04	75
	1227	0	04	37
	1249	0	09	24
	1246	0	13	70
	1255	0	06	16
	1336	0	12	62
	1335	0	00	88
	1331	0	09	70
	1332	0	00	88
	1346	0	01	10
	1347	0	12	49
	1348	0	02	51
	1358	0	03	95
	1357	0	06	31
	1362	0	08	16
	1363	0	07	87
	1545	0	00	90
	1546	0	01	47
	1547	0	00	88
	1638/1	0	15	84
	1639	0	00	46
	1640	0	01	50
	1622	0	00	80
	1620	0	06	93
	1619	0	05	49
	1605	0	10	26
	1606	0	12	33
	1613	0	04	54
	1612	0	03	50
	1659	0	08	87
	1729	0	11	33
	1728	0	10	67
	1727	0	15	80
	1826	0	10	07
	1824	0	00	75
	1820	0	05	08

1	2	3	4	5
	1819	0	00	98
	1818	0	00	87
	1807	0	04	19
	1812	0	01	76
	1808	0	00	42
	1809	0	07	96
	1804	0	00	88
	1802	0	06	42
	1840	0	00	99
	2049	0	06	21
	2050	0	00	90
	2053	0	06	74
	2052	0	00	08
	2060	0	06	15
	2054	0	00	78
	2059	0	04	78
	2058	0	01	43
	2800	0	02	92
	2100	0	03	41
	2798	0	06	85
	2797	0	08	39
	2804	0	00	12
	2835	0	04	33
	2834	0	02	66
	2833	0	00	88
	2830	0	04	41
	2831	0	02	70
	2832	0	00	16
	2829	0	00	92
	2826	0	06	23
	2825	0	01	01
	2824	0	00	74
	2823	0	00	68
	2870	0	02	14
	2873	0	00	20
	2871	0	04	03
	2872	0	03	30
	2885	0	06	39

1	2	3	4	5
	2884	0	05	76
	2883	0	01	60
	2880	0	01	28
	2882	0	02	48
	2899	0	01	10
	2881	0	00	50
	3071	0	00	70
	3069	0	06	96
	3070	0	01	60
	3066	0	06	34
	3067	0	01	36
	3007	0	00	31
	3008	0	12	15
	3009	0	03	71
	3004	0	00	21
	3002	0	01	50
	3001/1	0	03	76
	3001/2	0	03	77
	2993	0	00	66
	2992	0	00	88
	2988	0	01	28
	2991	0	02	17
	2987	0	09	03
	2986	0	01	04
	2985	0	01	28
	2962	0	02	05
	2963	0	01	30
	2964	0	03	96
	2984	0	00	69
	2965	0	04	40
	2966	0	00	92
	2951	0	08	07
	2949	0	01	78
	2950	0	00	55
	2948	0	00	15
	2945/2	0	06	88
	2945/4	0	17	27
	2945/3	0	02	61

1	2	3	4	5
करिया	456	0	17	38
	455	0	00	37
	460	0	01	30
	461	0	08	28
	462	0	07	00
	471	0	02	85
	470	0	06	48
	478	0	01	52
	477	0	04	04
	497/2	0	41	47
	497/3	0	03	95
	502	0	03	98
	290/2	0	02	34
	291	0	06	03
	288	0	06	89
	289	0	03	96
	285	0	02	61
	286	0	13	28
	282	0	05	50
	265	0	17	60
	266	0	10	84
	267	0	07	09
कैवरपुरा	199	0	00	43
	200	0	17	95
	198	0	01	26
	202/1	0	04	00
	202/2	0	08	02
	202/3	0	12	01
	203	0	01	48
	201	0	01	10
	196	0	03	95
	194	0	04	49
	193	0	07	53
	192	0	05	32
	20/3	0	02	64
	21	0	00	88
	22	0	08	17
	33	0	00	65

1	2	3	4	5
	32	0	08	62
	35	0	00	14
	31	0	11	29
	30	0	08	41
	38	0	08	35
	52	0	07	48
	71	0	01	49
	72	0	04	37
	79	0	07	52
	78	0	03	25
	75	0	01	46
	77	0	03	77
	96/4	0	00	31
	96/8/3	0	24	73
	96/5	0	08	31
	96/8/2	0	38	79
	96/11	0	20	35
रतनपुरा	157	0	04	40
	155	0	12	71
	98/1	0	17	34
	22/1	0	16	83
	25	0	00	27
	26	0	04	69
	27/1	0	03	85
	27/2	0	00	11
	28	0	03	88
	30	0	02	75
	29	0	04	54
	44	0	03	85
	45	0	00	36
	46	0	04	73
	42	0	00	66
	48	0	07	64

1	2	3	4	5
	51	0	09	01
	63	0	01	11
	59	0	13	83
	400/1	0	04	65
	400/3	0	04	65
	401	0	04	81
मांदी	848	0	04	97
	954	0	18	70
	955	0	00	37
	953	0	09	42
	956	0	04	85
	949	0	06	05
	966	0	06	55
	967	0	06	42
	969	0	03	57
	970/1	0	10	83
	970/2	0	10	84
	977	0	00	48
	976	0	08	35
	975/1	0	07	11
	983	0	09	82
	984	0	05	03
	981	0	03	34
	994	0	05	96
	998	0	08	43
	999	0	08	42
	1009	0	07	38
	1010	0	11	76
	896/2	0	09	70
	896/1	0	00	86
	1015	0	09	57
	1014	0	03	91
	1013	0	09	77

[फा. सं. 25011/15/2001-ओ.आर-1]

एस. चन्द्रशेखर, अपर सचिव

New Delhi, the 9th July, 2001

S.O. 1621.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Virangam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Virangam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura pipeline System".

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, near Gopalpura Bypass, Jaipur, (Rajasthan)-302018.

SCHEDULE**Tehsil: Phagi****District: Jaipur****State: Rajasthan**

Name of Village	Khasara No.	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
MAINDWAS	1795	0	30	57
	1795/2371	0	00	76
	1798	0	06	78
	1801	0	04	57
	1800	0	11	08
	1837	0	01	28
	1836	0	02	21
	1850/2379	0	08	21
	1850	0	08	36
	1851	0	07	92
	1852	0	09	01
	1853	0	02	86
	1999	0	06	84
	1997	0	03	08
	1900	0	09	44
	1994	0	06	88
	1993	0	08	00
	1992	0	17	12
	1782/2369	0	00	66
	2020	0	08	20
	1983	0	00	21
	1984	0	00	88
	1985	0	00	45
	1986	0	05	42
	1982	0	03	96
	1981	0	03	30
	2025	0	01	98
NIMERA	1114	0	00	94
	1102	0	20	94
	1103	0	00	62
	1062	0	00	77
	1205/5	0	17	41

1	2	3	4	5
	1226/1	0	05	76
	1228	0	04	75
	1227	0	04	37
	1249	0	09	24
	1246	0	13	70
	1255	0	06	16
	1336	0	12	62
	1335	0	00	88
	1331	0	09	70
	1332	0	00	88
	1346	0	01	10
	1347	0	12	49
	1348	0	02	51
	1358	0	03	95
	1357	0	06	31
	1362	0	08	16
	1363	0	07	87
	1545	0	00	90
	1546	0	01	47
	1547	0	00	88
	1638/1	0	15	84
	1639	0	00	46
	1640	0	01	50
	1622	0	00	80
	1620	0	06	93
	1619	0	05	49
	1605	0	10	26
	1606	0	12	33
	1613	0	04	54
	1612	0	03	50
	1659	0	08	87
	1729	0	11	33
	1728	0	10	67
	1727	0	15	80
	1826	0	10	07
	1824	0	00	75
	1820	0	05	08
	1819	0	00	98

1	2	3	4	5
	1818	0	00	87
	1807	0	04	19
	1812	0	01	76
	1808	0	00	42
	1809	0	07	96
	1804	0	00	88
	1802	0	06	42
	1840	0	00	99
	2049	0	06	21
	2050	0	00	90
	2053	0	06	74
	2052	0	00	08
	2060	0	06	15
	2054	0	00	78
	2059	0	04	78
	2058	0	01	43
	2800	0	02	92
	2100	0	03	41
	2798	0	06	85
	2797	0	08	39
	2804	0	00	12
	2835	0	04	33
	2834	0	02	66
	2833	0	00	88
	2830	0	04	41
	2831	0	02	70
	2832	0	00	16
	2829	0	00	92
	2826	0	06	23
	2825	0	01	01
	2824	0	00	74
	2823	0	00	68
	2870	0	02	14
	2873	0	00	20
	2871	0	04	03
	2872	0	03	30
	2885	0	06	39
	2884	0	05	76

1	2	3	4	5
	2883	0	01	60
	2880	0	01	28
	2882	0	02	48
	2899	0	01	10
	2881	0	00	50
	3071	0	00	70
	3069	0	06	96
	3070	0	01	60
	3066	0	06	34
	3067	0	01	36
	3007	0	00	31
	3008	0	12	15
	3009	0	03	71
	3004	0	00	21
	3002	0	01	50
	3001/1	0	03	76
	3001/2	0	03	77
	2993	0	00	66
	2992	0	00	88
	2988	0	01	28
	2991	0	02	17
	2987	0	09	03
	2986	0	01	04
	2985	0	01	28
	2962	0	02	05
	2963	0	01	30
	2964	0	03	96
	2984	0	00	69
	2965	0	04	40
	2966	0	00	92
	2951	0	08	07
	2949	0	01	78
	2950	0	00	55
	2948	0	00	15
	2945/2	0	06	88
	2945/4	0	17	27
	2945/3	0	02	61
KERIA	456	0	17	38
	455	0	00	37

1	2	3	4	5
	460	0	01	30
	461	0	08	28
	462	0	07	00
	471	0	02	85
	470	0	06	48
	478	0	01	52
	477	0	04	04
	497/2	0	41	47
	497/3	0	03	95
	502	0	03	98
	290/2	0	02	34
	291	0	06	03
	288	0	06	89
	289	0	03	96
	285	0	02	61
	286	0	13	28
	282	0	05	50
	265	0	17	60
	266	0	10	84
	267	0	07	09
KANWARPURA	199	0	00	43
	200	0	17	95
	198	0	01	26
	202/1	0	04	00
	202/2	0	08	02
	202/3	0	12	01
	203	0	01	48
	201	0	01	10
	196	0	03	95
	194	0	04	49
	193	0	07	53
	192	0	05	32
	20/3	0	02	64
	21	0	00	88
	22	0	08	17
	33	0	00	65
	32	0	08	62

1	2	3	4	5
	35	0	00	14
	31	0	11	29
	30	0	08	41
	38	0	08	35
	52	0	07	48
	71	0	01	49
	72	0	04	37
	79	0	07	52
	78	0	03	25
	75	0	01	46
	77	0	03	77
	96/1	0	00	31
	96/8/3	0	24	73
	96/5	0	08	31
	96/8/2	0	38	79
	96/11	0	20	35
RATANPURA	157	0	04	40
	155	0	12	71
	98/1	0	17	34
	22/1	0	16	83
	25	0	00	27
	26	0	04	69
	27/1	0	03	85
	27/2	0	00	11
	28	0	03	88
	30	0	02	75
	29	0	04	54
	44	0	03	85
	45	0	00	36
	46	0	04	73
	42	0	00	66
	48	0	07	64

1	2	3	4	5
	51	0	09	01
	63	0	01	11
	59	0	13	83
	400/1	0	04	65
	400/3	0	04	65
	401	0	04	81
MANDI	848	0	04	97
	954	0	18	70
	955	0	00	37
	953	0	09	42
	956	0	04	85
	949	0	06	05
	966	0	06	55
	967	0	06	42
	969	0	03	57
	970/1	0	10	83
	970/2	0	10	84
	977	0	00	48
	976	0	08	35
	975/1	0	07	11
	983	0	09	82
	984	0	05	03
	981	0	03	34
	994	0	05	96
	998	0	08	43
	999	0	08	42
	1009	0	07	38
	1010	0	11	76
	896/2	0	09	70
	896/1	0	00	86
	1015	0	09	57
	1014	0	03	91
	1013	0	09	77

[No. R-25011/15/2001 OR-I]
S. CHANDRASEKHAR, Under Secy.

New Delhi, the 9th July, 2001

का. आ. 1622.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के लिए उस भूमि में जो इस अधिसूचना से सलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में लिखित रूप में आक्षेप, सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कोठी नं. 1439, सेक्टर-15, अरबन इस्टेट, सोनीपत (हरियाणा) - 131001 को कर सकेगा ।

अनुसूची

तहसील: पानीपत

जिला: पानीपत

राज्य: हरियाणा

गौव का नाम	हदबस्त संख्या	मुस्ततील संख्या	खसरा/किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
1	2	3	4	5	6	7
कालखा	41	4	20	0	02	78
		18	15	0	06	83
			16/2	0	03	54
			17/1	0	03	29
			24/2	0	06	83
		28	4	0	06	83
			7/1	0	02	78
			7/2	0	04	05
			14	0	06	83
			17	0	03	54
			18	0	03	04
			23	0	06	83
		44	3	0	03	54
			22/2	0	04	05
		59	2/1/1	0	00	51
			2/1/2	0	00	00
			2/2/1	0	01	26
			2/2/2	0	01	26
			2/2/3	0	00	76
			9/1	0	00	51
			9/2	0	06	07
			11	0	00	25
			12/2	0	06	32
			19/2	0	01	77
			20	0	04	81
			21	0	06	58
		77	1	0	06	32
			10	0	06	32
			11	0	02	28
		78	6	0	00	00
			15	0	04	05
			16	0	06	83
			25	0	06	58
		89	5	0	05	31
			6	0	06	83
			14	0	01	77
			15	0	04	81
			16	0	00	51
			17	0	06	32
			24	0	06	58
		108	4	0	06	83
			7	0	06	32
			13/3	0	00	25
			14	0	05	06
			17	0	01	01
			18	0	04	81
			23	0	06	83
		116	3	0	06	83
			8	0	06	83
			13	0	06	32

1	2	3	4	5	6	7
			18	0	04	05
			19	0	03	04
			22	0	06	83
			23/1	0	00	00
		129	2	0	06	83
			9	0	06	83
			12	0	06	83
			19	0	06	32
			21	0	03	54
			22/1	0	01	26
			22/2	0	00	25
		135	1	0	06	83
			10	0	02	53
			21	0	00	26
		142	1	0	01	01
		143	5	0	04	80
			169	0	03	04
			180	0	01	26
			181	0	01	52
			241	0	00	76
			242	0	01	77
			258	0	00	51
			261	0	00	51
			262	0	00	25
			282	0	00	25
			283	0	02	28
			284	0	00	51
			285	0	00	51
			683	0	00	51
लोहारी	42	9	24	0	01	77
		10	4	0	06	83
			7	0	06	83
			13	0	00	00
			14	0	06	32
			17	0	00	00
			18	0	04	55
			23	0	06	32
		26	3	0	06	83
			8	0	06	32
			12	0	00	00
			13	0	05	31
			18	0	00	25
			19	0	02	53
			22	0	06	32
		27	2	0	06	83
			9	0	06	83
			11/2	0	00	00
			12/1	0	03	79
			12/2	0	03	04
			19	0	02	02
			20	0	04	55
			21	0	06	58
		44	15	0	00	00

1	2	3	4	5	6	7
			16	0	04	05
			25/2	0	06	58
	45		1	0	06	83
			10	0	06	83
			11	0	06	58
			20	0	02	28
	50		5/1/1/1	0	00	00
			5/1/1/2	0	04	30
			5/1/2	0	00	76
			5/2	0	01	26
			6/1	0	03	29
			6/2	0	03	29
			14	0	00	00
			15	0	06	83
			16	0	02	78
			17	0	03	54
			24	0	06	58
	68		4	0	06	83
			7	0	05	82
			14	0	06	07
			17	0	03	04
			18/1/1	0	03	54
			18/1/2	0	00	00
			23/2	0	03	04
			23/3	0	03	54
			24	0	00	00
	75		3	0	06	07
			8/1	0	06	58
			8/2	0	00	00
			13	0	04	05
			18	0	03	54
			19/1/1	0	03	04
			19/1/2	0	00	51
			22	0	06	83
			26	0	02	78
	94		2	0	06	32
			9	0	06	58
			12	0	06	58
			19/2	0	02	78
			20	0	04	05
			21	0	06	58
	101		1	0	05	82
			10/1	0	03	04
			10/2	0	03	79
			11	0	05	82
			145	0	02	02
			186	0	03	54
			192	0	00	51
			199	0	00	51
			202	0	00	51
			203	0	00	51
			744	0	03	29
			752	0	00	51

1	2	3	4	5	6	7
सुताना	23	37	9	0	03	54
			11	0	00	51
			12	0	06	07
			19	0	01	26
			20	0	04	81
			21	0	06	83
		63	1	0	06	58
			10	0	06	83
			11	0	03	54
			20	0	00	00
		64	15/2	0	00	25
			16	0	04	05
			25	0	06	58
		66	5	0	02	78
			14	0	00	00
			226	0	02	28
			803	0	00	51
			814	0	02	53
			815	0	00	51
उन्तला	44	11	14	0	02	53
			17	0	06	83
			23	0	00	76
			24	0	06	07
		14	3	0	06	32
			4	0	00	51
			8	0	06	58
			13	0	03	54
		27	10	0	00	25
			20	0	06	83
			21	0	06	83
		31	1	0	03	29
			10	0	00	00
		32	5	0	01	77
			6	0	06	83
			15	0	06	83
			16	0	06	32
			25	0	02	53
		42	13	0	04	55
			14/1	0	00	25
			18	0	06	58
			23	0	01	77
		49	8	0	07	84
			13	0	06	58
			18	0	06	58
			23/1	0	03	04
			23/2	0	04	79
		62	3	0	06	32
			8	0	06	83
			13	0	06	58
			18	0	06	58
			19	0	00	51
			22	0	02	02
			23	0	05	06

1	2	3	4	5	6	7
		68	2	0	03	54
			3	0	03	54
			8	0	02	53
			9	0	04	55
			12	0	06	07
			13	0	01	52
			19	0	06	58
			22	0	06	58
		76	2	0	06	83
			9	0	03	04
			81	0	15	93
			82	0	18	46
			92	0	01	52
			98	0	01	52
			258	0	02	02
			277	0	00	51
			306	0	00	51
			307	0	00	51
			312	0	00	51
आसन खर्च	22	5	5	0	00	25
			6	0	06	32
			15	0	06	83
			16	0	06	32
			24/2	0	01	77
			25/1	0	01	01
			25/2	0	04	05
		10	4/1	0	01	26
			4/2	0	03	79
			5/1	0	00	00
			7	0	06	83
			14	0	06	32
			17	0	06	83
			23/2	0	00	51
			24/1	0	06	58
		17	3	0	06	07
			4	0	01	26
			8	0	07	59
			13	0	04	81
			18	0	06	83
			23	0	06	83
		24	2	0	02	28
			3	0	04	05
			8	0	00	25
			9	0	02	78
			9/2	0	02	28
		34	2	0	00	25
			9	0	05	82
			10	0	00	76
			11	0	08	09
			12	0	00	51
			20	0	03	04
		35	16	0	05	82

1	2	3	4	5	6	7
			24/1	0	02	02
			24/2	0	01	01
			25	0	05	06
		38	4	0	02	28
			7	0	00	50
			14	0	00	25
			71	0	02	78
			77	0	04	55
			84	0	01	52
			114	0	00	51
			115	0	00	51
			117	0	00	25
			283	0	00	51
			291	0	00	51
आसन कला	21	59	4	0	04	55
			7	0	06	83
			13	0	02	78
			14	0	04	05
			17	0	00	00
			18/1	0	06	83
			23	0	06	83
		61	3	0	06	83
			8	0	06	83
			12	0	00	25
			13/1	0	02	78
			13/2	0	01	52
			18	0	02	28
			19	0	04	55
			22	0	06	83
		82	2	0	06	83
			9	0	06	83
			12	0	06	83
			19/3	0	05	82
			20	0	01	01
			21	0	06	07
			22	0	00	76
		84	16/1	0	00	00
			25	0	03	04
		85	1	0	03	54
			10/2	0	00	76
			11/2	0	02	27
			20	0	06	32
			21	0	02	02
		107	5	0	04	05
			187	0	01	77
			202	0	00	51
			203	0	00	51
			204	0	00	51
			205	0	00	51
			220	0	00	51
			308	0	00	51
			310	0	00	51
			883	0	00	76

1	2	3	4	5	6	7
खण्डरा	10	36	21	0	03	79
		37	1	0	06	83
			10	0	05	06
			11	0	00	00
		38	6	0	01	77
			15	0	06	58
			16	0	06	83
			25/1	0	04	05
			25/2	0	03	04
		58	5	0	06	83
			6	0	05	56
			7	0	01	01
			14	0	06	07
			15	0	00	76
			17	0	06	83
			24	0	06	83
		60	4	0	04	05
बाल जाटान	11	20	18	0	04	55
			23/1	0	13	41
			23/2	0	01	52
		141	7	0	06	83
			14	0	06	83
			17	0	06	83
			23	0	00	51
			24	0	06	58
		149	3/2	0	05	56
			4	0	01	26
			8	0	06	83
			13	0	06	83
			18	0	06	83
			23	0	06	83
		160	2	0	01	01
			3	0	04	81
			8	0	00	25
			9	0	05	82
			12	0	06	83
			19	0	06	83
			22	0	06	83
		163	1	0	00	25
			2	0	06	32
			9	0	02	02
			10	0	04	55
			11	0	06	83
			20	0	06	83
			21	0	02	53
			191	0	01	52
			287	0	01	77
			294	0	01	01
			296	0	00	51

नई दिल्ली, 9 जुलाई, 2001

S. O. 1622.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Crude Oil through Viramgam in the State of Gujarat, Panipat in the State of Haryana to Chaksu in the State of Rajasthan, pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of user therein or laying of the pipeline under the land to the Competent Authority, Salaya-Mathura Pipeline (Aug-mentation) Project, Indian Oil Corporation Ltd, Kothi No. 1439, Sector-15, Urban Estate, Sonapat (Haryana) – 131001.

Schedule**Tehsil: Panipat****Dist: Panipat****State: Haryana**

Name of Village	Hadbast No.	Mustatil No	Khasra/ Killa No	Area		
				Hectare.	Are	Sq.Mtr
1	2	3	4	5	6	7
Kalkha	41	4	20	0	02	78
		18	15	0	06	83
			16/2	0	03	54
			17/1	0	03	29
			24/2	0	06	83
		28	4	0	06	83
			7/1	0	02	78
			7/2	0	04	05
			14	0	06	83
			17	0	03	54
			18	0	03	04
			23	0	06	83
		44	3	0	03	54
			22/2	0	04	05
		59	2/1/1	0	00	51
			2/1/2	0	00	00
			2/2/1	0	01	26
			2/2/2	0	01	26
			2/2/3	0	00	76
			9/1	0	00	51
			9/2	0	06	07
			11	0	00	25
			12/2	0	06	32
			19/2	0	01	77
			20	0	04	81
			21	0	06	58
		77	1	0	06	32
			10	0	06	32
			11	0	02	28
		78	6	0	00	00
			15	0	04	05
			16	0	06	83
			25	0	06	58
		89	5	0	05	31
			6	0	06	83
			14	0	01	77
			15	0	04	81
			16	0	00	51
			17	0	06	32
			24	0	06	58
		108	4	0	06	83
			7	0	06	32
			13/3	0	00	25
			14	0	05	06
			17	0	01	01
			18	0	04	81
			23	0	06	83
		116	3	0	06	83
			8	0	06	83
			13	0	06	32

1	2	3	4	5	6	7
			18	0	04	05
			19	0	03	04
			22	0	06	83
			23/1	0	00	00
		129	2	0	06	83
			9	0	06	83
			12	0	06	83
			19	0	06	32
			21	0	03	54
			22/1	0	01	26
			22/2	0	00	25
		135	1	0	06	83
			10	0	02	53
			21	0	00	26
		142	1	0	01	01
		143	5	0	04	80
			169	0	03	04
			180	0	01	26
			181	0	01	52
			241	0	00	76
			242	0	01	77
			258	0	00	51
			261	0	00	51
			262	0	00	25
			282	0	00	25
			283	0	02	28
			284	0	00	51
			285	0	00	51
			683	0	00	51
Lohari	42	9	24	0	01	77
		10	4	0	06	83
			7	0	06	83
			13	0	00	00
			14	0	06	32
			17	0	00	00
			18	0	04	55
			23	0	06	32
		26	3	0	06	83
			8	0	06	32
			12	0	00	00
			13	0	05	31
			18	0	00	25
			19	0	02	53
			22	0	06	32
		27	2	0	06	83
			9	0	06	83
			11/2	0	00	00
			12/1	0	03	79
			12/2	0	03	04
			19	0	02	02
			20	0	04	55
			21	0	06	58
		44	15	0	00	00

1	2	3	4	5	6	7
			16	0	04	05
			25/2	0	06	58
		45	1	0	06	83
			10	0	06	83
			11	0	06	58
			20	0	02	28
		50	5/1/1/1	0	00	00
			5/1/1/2	0	04	30
			5/1/2	0	00	76
			5/2	0	01	28
			6/1	0	03	29
			6/2	0	03	29
			14	0	00	00
			15	0	06	83
			16	0	02	78
			17	0	03	54
			24	0	06	58
		68	4	0	06	83
			7	0	05	82
			14	0	06	07
			17	0	03	04
			18/1/1	0	03	54
			18/1/2	0	00	00
			23/2	0	03	04
			23/3	0	03	54
			24	0	00	00
		75	3	0	06	07
			8/1	0	06	58
			8/2	0	00	00
			13	0	04	05
			18	0	03	54
			19/1/1	0	03	04
			19/1/2	0	00	51
			22	0	06	83
			28	0	02	78
		94	2	0	06	32
			9	0	06	58
			12	0	06	58
			19/2	0	02	78
			20	0	04	05
			21	0	06	58
		101	1	0	05	82
			10/1	0	03	04
			10/2	0	03	79
			11	0	05	82
			145	0	02	02
			186	0	03	54
			192	0	00	51
			199	0	00	51
			202	0	00	51
			203	0	00	51
			744	0	03	29
			752	0	00	51

	2	3	4	5	6	7
Sutana	23	37	9	0	03	54
			11	0	00	51
			12	0	06	07
			19	0	01	26
			20	0	04	81
			21	0	06	83
		63	1	0	06	58
			10	0	06	83
			11	0	03	54
			20	0	00	00
		64	15/2	0	00	25
			16	0	04	05
			25	0	06	58
		66	5	0	02	78
			14	0	00	00
			226	0	02	28
			803	0	00	51
			814	0	02	53
			815	0	00	51
Untala	44	11	14	0	02	53
			17	0	06	83
			23	0	00	76
			24	0	06	07
		14	3	0	06	32
			4	0	00	51
			8	0	06	58
			13	0	03	54
		27	10	0	00	25
			20	0	06	83
			21	0	06	83
		31	1	0	03	29
			10	0	00	00
		32	5	0	01	77
			6	0	06	83
			15	0	06	83
			16	0	06	32
			25	0	02	53
		42	13	0	04	55
			14/1	0	00	25
			18	0	06	58
			23	0	01	77
		49	8	0	07	84
			13	0	06	58
			18	0	06	58
			23/1	0	03	04
			23/2	0	04	79
		62	3	0	06	32
			8	0	06	83
			13	0	06	58
			18	0	06	58
			19	0	00	51
			22	0	02	02
			23	0	05	06

1	2	3	4	5	6	7
		66	2	0	03	54
			3	0	03	54
			8	0	02	53
			9	0	04	55
			12	0	06	07
			13	0	01	52
			19	0	06	58
			22	0	06	58
		76	2	0	06	83
			9	0	03	04
			81	0	15	93
			82	0	18	46
			92	0	01	52
			98	0	01	52
			258	0	02	02
			277	0	00	51
			306	0	00	51
			307	0	00	51
			312	0	00	51
Asan Khura	22	5	5	0	00	25
			6	0	06	32
			15	0	06	83
			16	0	06	32
			24/2	0	01	77
			25/1	0	01	01
			25/2	0	04	05
		10	4/1	0	01	26
			4/2	0	03	79
			5/1	0	00	00
			7	0	06	83
			14	0	06	32
			17	0	06	83
			23/2	0	00	51
			24/1	0	06	58
		17	3	0	06	07
			4	0	01	26
			8	0	07	59
			13	0	04	81
			18	0	06	83
			23	0	06	83
		24	2	0	02	28
			3	0	04	05
			8	0	00	25
			9	0	02	78
			19/2	0	02	28
		34	2	0	00	25
			9	0	05	82
			10	0	00	76
			11	0	08	09
			12	0	00	51
			20	0	03	04
		35	16	0	05	82

1	2	3	4	5	6	7
			24/1	0	02	02
			24/2	0	01	01
			25	0	05	06
		38	4	0	02	28
			7	0	00	50
			14	0	00	25
			71	0	02	78
			77	0	04	55
			84	0	01	52
			114	0	00	51
			115	0	00	51
			117	0	00	25
			283	0	00	51
			291	0	00	51
Asan Kalan	21	59	4	0	04	55
			7	0	06	83
			13	0	02	78
			14	0	04	05
			17	0	00	00
			18/1	0	06	83
			23	0	06	83
		61	3	0	06	83
			8	0	06	83
			12	0	00	25
			13/1	0	02	78
			13/2	0	01	52
			18	0	02	28
			19	0	04	55
			22	0	06	83
		82	2	0	06	83
			9	0	06	83
			12	0	06	83
			19/3	0	05	82
			20	0	01	01
			21	0	06	07
			22	0	00	76
		84	16/1	0	00	00
			25	0	03	04
		85	1	0	03	54
			10/2	0	00	76
			11/2	0	02	27
			20	0	06	32
			21	0	02	02
		107	5	0	04	05
			187	0	01	77
			202	0	00	51
			203	0	00	51
			204	0	00	51
			205	0	00	51
			220	0	00	51
			308	0	00	51
			310	0	00	51
			883	0	00	76

1	2	3	4	5	6	7
Khandra	10	36	21	0	03	79
		37	1	0	06	83
			10	0	05	06
			11	0	00	00
		38	6	0	01	77
			15	0	06	58
			16	0	06	83
			25/1	0	04	05
			25/2	0	03	04
		58	5	0	06	83
			6	0	05	56
			7	0	01	01
			14	0	06	07
			15	0	00	76
			17	0	06	83
			24	0	06	83
		60	4	0	04	05
Baljatan	11	20	18	0	04	55
			23/1	0	13	41
			23/2	0	01	52
		141	7	0	06	83
			14	0	06	83
			17	0	06	83
			23	0	00	51
			24	0	06	58
		149	3/2	0	05	56
			4	0	01	26
			8	0	06	83
			13	0	06	83
			18	0	06	83
			23	0	06	83
		160	2	0	01	01
			3	0	04	81
			8	0	00	25
			9	0	05	82
			12	0	06	83
			19	0	06	83
			22	0	06	83
		163	1	0	00	25
			2	0	06	32
			9	0	02	02
			10	0	04	55
			11	0	06	83
			20	0	06	83
			21	0	02	53
			191	0	01	52
			287	0	01	77
			294	0	01	01
			296	0	00	51

नई दिल्ली, 10 जुलाई, 2001

अधिसूचना

का. आ. 1623.— भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 918 तारीख 27 अप्रैल, 2000 द्वारा पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, महाराष्ट्र राज्यक्षेत्र में, उक्त अधिनियम के अधीन, मुम्बई-मनमाड पाइपलाइन परियोजना के लिए श्री प्रह्लाद वी. कचारे को, सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत किया गया था। केंद्रीय सरकार, उक्त अधिनियम के अधीन श्री प्रह्लाद वी. कचारे को, महाराष्ट्र राज्य में मुम्बई-मनमाड पाइपलाइन के विस्तारित भाग अर्थात् मनमाड-मांगल्य खंड के लिए भी सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है।

[फा. सं. 31015/18/98-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 10th July, 2001

Notification

S.O. 1623.— In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Shri Prahalad V. Kachare was authorised vide notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 918 dated the 27th April, 2000 to perform the functions of the competent authority for Mumbai-Manmad Pipeline Project under the said Act within the territory of Maharashtra. The Central Government hereby authorises Shri Prahalad V. Kachare also to perform the functions of competent authority for the extended portion of Mumbai-Manmad Pipeline i.e. Manmad-Manglya Section in the State of Maharashtra under the said Act.

[No. R-31015/18/98 OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 10 जुलाई, 2001

का. आ. 1624.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 816, तारीख 19 अप्रैल, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, केरल राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड के इरिमपानम् संस्थापन से तमिलनाडु राज्य में करूर तक मोटर स्ट्रिट, उच्च कोटि किरोसीन तेल और उच्च वेग डीजल के परिवहन के लिए मैसर्स पेट्रोनेट सी.सी.के. लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रति जनता को तारीख 11 मई, 2001 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किए जाने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त पेट्रोनेट सी.सी.के. लिमिटेड में निहित होंगे ।

अनुसूची

राज्य - केरल

जिला - एरनाकुलम

तालुका - कनयन्नूर

गाँव	सर्वेक्षण संख्या	क्षेत्र		
		हेक्टेर	आरे	वर्गमीटर
(1)	(2)	(3)	(4)	(5)
1) तिरुवाक्कुलम	27/1	0	04	75
((खण्ड सं० - 10)	31	0	01	35

तालुका - परावूर

2) कडुंगल्लूर	5/2	0	01	35
	8/1	0	08	35

[फा. सं. 31015/4/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 10th July, 2001

S. O. 1624.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.816 dated the 19th April 2001 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), (hereinafter referred to as said Act), the Central Government declared its intention to acquire the right of user in the lands, specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of motor spirit, superior kerosene oil and high speed diesel from the Irimpanam installation of Bharat Petroleum Corporation Limited, Irimpanam, Kochi in the State of Kerala to Karur in the State of Tamil Nadu by M/s Petronet CCK Limited;

And, whereas, the copy of said Gazette notification was made available to the public on 11th May 2001.

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And further whereas, the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration, in the Petronet CCK Limited, free from all encumbrances.

Schedule

State: Kerala

District : Ernakulam

Taluk: Kanayannur

Village	Survey Numbers	Area		
		Hectares	Ares	Sq.Mtrs.
(1)	(2)	(3)	(4)	(5)
1) Thiruvamkulam (Block No.10)	27/1	0	04	75
	31	0	01	35
Taluk : Paravur				
2) Kadungallur	5/2	0	01	35
	8/1	0	08	35

[No. R-31015/4/98 OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 11 जुलाई, 2001

का. आ. 1625.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1982 (1982 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 851, तारीख 6 अप्रैल, 2000 और का.आ. 1471, तारीख 26 मई, 1999 द्वारा प्राकृतिक गैस के परिवहन के लिए गुजरात राज्य के जिला सूरत में हजीरा से जिला भरुच में दाहेज तक गुजरात स्टेट पेट्रोलियम कोर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त रापजत्रित अधिसूचना की प्रतियाँ जनता को तारीख 26 मई, 1999 से 12 मई, 2000 तक उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने की घोषणा करती है ;

यह और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि ऐसी भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लगमों से मुक्त, होकर गुजरात स्टेट पेट्रोलियम कोर्पोरेशन लिमिटेड, ब्लॉक नं. 15, दूसरा तल, उद्योग भवन, सेक्टर नं. 11, गांधीनगर-382011, गुजरात में निहित होगा ।

जिल्ला: सुरत

अनुसूची.

सम्ब: गुजरात

जिल्ले का नाम	तालुकें का नाम	धारा 3 की उपधारा (1) के गांव का आधीन जारी की गई अधिसूचना का अनुसंधान		प्रवेश सं. खं सं.	क्षेत्र				
		नाम	का. आ. राजपत्र सं. की तारीख		हेक्टर	आरे	सेन्टीआरे		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
सुरत	चोरसी	851	15-04-2000	मेरा	174/ए	00	41	20	
					169	00	23	40	
					167/पैकी	00	22	40	
					अस आर रेलवे	00	06	00	
					167/पैकी	00	00	80	
					166	00	02	40	
					बामका	छाई	00	20	00
						435/पैकी	00	97	20
						432/पैकी	00	01	30
						480	00	75	00
						435/पैकी	00	29	00
						452	00	59	00
						453/3	00	03	80
						454/पैकी	00	21	80
						454/पैकी	00	08	00
						455/2	00	10	00
						448/पैकी	00	05	30
						नहेर	00	09	40
						456	00	27	40
						457	00	22	40
						460/1/2	00	00	25
						460/2	00	12	20
						461/3/पैकी	00	09	20
					465/1/पैकी	00	18	60	
					465/1/पैकी	00	18	00	
					465/2	00	00	65	
					466/2/पैकी	00	03	40	
					466/2/पैकी	00	21	00	
					ईच्छापुर	729	00	01	60
						743	00	01	20
						742/1	00	01	80
						742/2	00	01	20
						745/2	00	00	80
745/3	00	00	80						
745/4	00	02	00						
740	00	01	80						
749/3	00	01	80						

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
				ईच्छपुर	751	00	00	40
				(क्रमशः)	832/2	00	03	20
					864/2	00	05	80
					864/3/1	00	06	20
					864/3/2	00	06	00
					865/1	00	04	50
	चोरासी		मालगाभा	मालगाभा गांवका नाला		00	02	00
	ओलपाइ		सेगवाच्छामा	134		00	01	50
				76		00	02	80
				सेगवाच्छामा गांवका नाला		00	02	00
				32		00	02	10
				528		00	02	30
				518		00	02	10
			कुंकनी	277		00	11	80
				पायलोट नहर लघुशाखा		00	06	00
				220		00	02	70
				1 आर विशाखा		00	05	30
				144		00	04	50
			अंभेटी	अंभेटी गांवका नाला		00	02	00
				326		00	03	00
				617		00	01	60
				581		00	01	60
				582		00	01	00
				559		00	03	40
				560		00	01	50
				अंभेटी सुल्तानपोर रास्ता		00	02	20
				118		00	01	20
				112		00	02	90
				117		00	02	50
				127		00	02	40
				131		00	01	10
				132		00	01	20
				135		00	01	20
			बलकस	बलकस गांवका नाला		00	01	80
			मासमा	313		00	05	10
				231		00	01	00
				140		00	04	20
				126		00	04	90
				6 आर लघुशाखा		00	06	00
				ग्राम्य रास्ता		00	02	00
			इसनपोर	46		00	01	40
				1 अल लघुशाखा		00	04	00
				75		00	02	30
			ओलपाइ	437		00	05	60
				ओलपाइ गांवका नाला		00	02	40
				461		00	17	10

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
				ओल्पाड	477	00	06	20
				(क्रमशः)	478	00	03	60
					482	00	05	10
					481	00	06	00
				अटोदरा	161	00	00	90
				गोला	19	00	01	40
					T. W. C. लपुशाखा	00	04	00
					223	00	02	60
					224	00	02	90
					225	00	02	30
					गोला गांवका नाला	00	03	60
					190	00	02	60
					184	00	11	20
					170	00	03	50
				मोरथान	345	00	20	30
					356	00	04	30
				ओरथान	43	00	01	60
					47	00	02	00
					48	00	03	00
					53	00	04	00
					58	00	15	40
					162	00	01	40
					183	00	07	70
				कदरमा	कदरमा रास्ता	00	01	50
				भावोल	गाछा मार्ग	00	03	50
					392	00	04	30
				बडौली	233	00	04	80
					316	00	01	40
					465	00	03	70
					454	00	01	40
					448/पैकी	00	02	80
जिल्ले का नाम	तालुके का नाम	धारा 3 की उपधारा (1) के माधीन नारी की गई अभिसूचना का अनुसंधान	गांव का नाम	सर्वेक्षण सं. / खं सं.	क्षेत्र	हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
सुरत	ओल्पाड	1471	29-05-1999	सेगवाचक्रमा	153/जी	00	00	80

[फा. सं. एल. 14014/4/99-जी पी (भाग-III)]
स्वामी सिंह, निदेशक

New Delhi, the 11th July, 2001

S. O. 1625.— Whereas by a notification of the Government of India, Ministry of Petroleum and Natural Gas No. S. O. 851 dated the 6th April, 2000, S. O. 1471 dated the 26th May, 1999 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of natural gas.

And whereas, the copies of the said Gazette notification were made available to the public on the 26th May, 1999 and the 12th May, 2000 respectively.

And whereas, the competent authority has under sub-section (1) of section 6 of the said Act has made his report to the Central Government.

And whereas, the Central Government, after considering the said report, is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act the Central Government hereby directs that the right of user in the said lands shall, instead of vesting in the Central Government vest free from the encumbrances in the Gujarat State Petroleum Corporation Limited., Block No. 15, 3rd Floor, Udyog Bhavan, Sector No. 11, Gandhinagar – 382 011.

District : SURAT					State : Gujarat			
Name of District	Name of Taluka	Reference to publication of Notification u/s. 3(1)	Name of Village	Block No. / Survey No.	Area			
		S.O.No.	Date of Gazette			Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
SURAT	CHORASI	851	15-04-2000	MORA	174/A	00	41	20
					169	00	23	40
					167/P	00	22	40
					Essar Railway	00	06	00
					167/P	00	00	80
					166	00	02	40
				DAMKA	Khadl	00	20	00
					435/P	00	97	20
					432/P	00	01	30
					480	00	75	00
					435/P	00	29	00
					452	00	59	00
					453/3	00	03	60
					454/P	00	21	80
					454/P	00	08	00
					455/2	00	10	00
					448/P	00	05	30
					Canal	00	09	40
					456	00	27	40
					457	00	22	40
					460/1/2	00	00	25
					460/2	00	12	20
					461/3/P	00	09	20
					465/1/P	00	18	60
					465/1/P	00	18	00
					465/2	00	00	65
					466/2P	00	03	40
					466/2P	00	21	00
				ICHHAPOR	729	00	01	60
					743	00	01	20
					742/1	00	01	80
					742/2	00	01	20
					745/2	00	00	80
					745/3	00	00	80
					745/4	00	02	00
					740	00	01	80
					749/3	00	01	80

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
				ICHHAPOR	751	00	00	40
				(Cont...)	832/2	00	03	20
					864/2	00	05	80
					864/3/1	00	06	20
					864/3/2	00	06	00
					865/1	00	04	50
				MALGAMA	Nalla village Malgama	00	02	00
				SEGWACHHAMA	134	00	01	50
					76	00	02	80
					Nalla Village	00	02	00
					Segwachhama			
					32	00	02	10
					528	00	02	30
					518	00	02	10
				KUNKNI	277	00	11	80
					Pilot Channel Sub	00	06	00
					Minor			
					220	00	02	70
					1 R Minor	00	05	30
					144	00	04	50
				AMBHETA	Nalla village Ambheta	00	02	00
					326	00	03	00
					617	00	01	60
					581	00	01	60
					582	00	01	00
					559	00	03	40
					560	00	01	50
					Ambheta Sultanpur	00	02	20
					Road			
					118	00	01	20
					112	00	02	90
					117	00	02	50
					127	00	02	40
					131	00	01	10
					132	00	01	20
					135	00	01	20
				BALKAS	Nalla village Balkas	00	01	80
				MASMA	313	00	05	10
					231	00	01	00
					140	00	04	20
					126	00	04	90
					6 R Sub Minor	00	06	00
					Approach Road	00	02	00
				ISANPOR	46	00	01	40
					1 L Sub Minor	00	04	00
					75	00	02	30
				OLPAD	437	00	05	60
					Nalla village Olpad	00	02	40
					461	00	17	10

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
				OLPAD	477	00	06	20
				(Cont...)	478	00	03	60
					482	00	05	10
					481	00	06	00
				ATODARA	161	00	00	90
				GOLA	19	00	01	40
					T. W. C Sub Minor	00	04	00
					223	00	02	60
					224	00	02	90
					225	00	02	30
					Nalla village Gola	00	03	60
					190	00	02	60
					184	00	11	20
					170	00	03	50
				MORTHAN	345	00	20	30
					356	00	04	30
				ERTHAN	43	00	01	60
					47	00	02	00
					48	00	03	00
					53	00	04	00
					58	00	15	40
					162	00	01	40
					183	00	07	70
				KADRAMA	Kadrama Road	00	01	50
				BHADOL	Cart Track	00	03	50
					392	00	04	30
				VADOLI	233	00	04	80
					316	00	01	40
					465	00	03	70
					454	00	01	40
					448/P	00	02	80
Name of District	Name of Taluka	Reference to publication of Notification u/s. 3(1)		Name of Village	Block No. / Survey No.	Area		
		S.O.No.	Date of Gazette			Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
SURAT	OLPAD	1471	29-05-1999	SEGWACHHAMA	153/B	00	00	80

[File No. L. 14014/4/99 GP (Part-III)].
SWAMI SINGH, Director

श्रम मंत्रालय

नई दिल्ली, 20 जून, 2001

का.आ. 1626.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार यह आश्वस्त हो जाने के बाद कि ऐसा किया जाना आवश्यक है; अधिनियम के प्रयोजनार्थ एतद्वारा यह निर्णय लेने के लिए कि भारत से बाहर जाने का इच्छुक व्यक्ति उत्प्रवासी नहीं है, निम्नांकित अधिकारियों को उत्प्रवास संरक्षी के रूप में कार्य करने हेतु अधिकृत करती है :—

1. पासपोर्ट अधिकारी, गाजियाबाद
2. पासपोर्ट अधिकारी, जम्मू
3. पासपोर्ट अधिकारी, पुणे
4. पासपोर्ट अधिकारी, थाणे
5. पासपोर्ट अधिकारी, विशाखापटनम

[सं. जेड-11025/105/2000-उत्प्रवास]

जे.पी. पति, संयुक्त सचिव तथा उत्प्रवास महासंरक्षी

MINISTRY OF LABOUR

New Delhi, the 20th June, 2001

S.O. 1626.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983). The Central Government after satisfying that it is necessary so to do, hereby authorises the following Officers to perform the functions of the Protector of Emigrants for deciding that a person intending to depart from India, is not an emigrant, for the purpose of the Act, namely :—

1. Passport Officer, Ghaziabad
2. Passport Officer, Jammu
3. Passport Officer, Pune
4. Passport Officer, Thane
5. Passport Officer, Visakhapatnam.

[No. Z-11025/105/2000-Emig.]

J.P. PATI, Jt. Secy. & Protector General of Emigrants

नई दिल्ली, 20 जून, 2001

का.आ. 1627.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अगस्त, 2001 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4, अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला डिन्डीगल में बड़मदुरै क्षेत्र के तालुक डिन्डीगल के अधीन आने वाले सजस्वभ्यामः—सेन्कुरुचि, केम्बिलियपट्टी, वंगमानुतु, मधुर, पेरियकोट्टै, कोविलूर, तामरैपाडि, अम्मकुलपट्टी, मुल्लीपाडि तथा तालुक

वेदसन्तूर में वडमदुरै, तन्मपेट्टी, पागणताम, कोम्बेरिपेट्टी, पिलातु, कोलपेट्टी, मोरपेट्टी, पुत्तूर, वेलाइदम पालयम, सिंगारकोट्टै, कणपाडि, वैलवरकोट्टै तथा पाडियूर।”

[सं. एस. 38013/10/2001-एस.एस. I]

एम.सी.मिस्तल, उप सचिव

New Delhi, the 20th June, 2001

S.O. 1627.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu, namely :—

“Areas comprising the revenue villages of Senkuruchi, Kambiliampatti, Vangamanutha, Madur, Periakottai, Kovilur, Thamaraiyadi, Ammakulathupatti, Mullipadi of Dindigul Taluk and Vadamadurai, Thennampatti, Paganatham, Comberipatti, Pilathu, Kollapatti, Morepatti, Puthur, Velayuthampalayam, Singarakottai, Kanappadi, Velvarkottai and Padiyur of Vedasanthur Taluk in Dindigul District.”

[No. S-38013/10/2001-S.S.I.]

M.C. MITTAL, Dy. Secy.

नई दिल्ली, 20 जून, 2001

का.आ. 1628.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अगस्त, 2001 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4, अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“केन्द्र ताडिकुम्भु क्षेत्र में राजस्व ग्राम :—ताडिकुम्भु, अहराम अलकुवारपेट्टी, आनैपेट्टी, तामरैकुलम, कुदटुपेट्टी, सिलवारपेट्टी, अलगपेट्टी, गुरुनाथमायकलूर, सुल्लेशम्बू, डिन्डुगल तालुक के और मारपाडी, वेदसन्तूर तालुक डिन्डुगल जिला के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस. 38013/11/2001-एस.एस. I]

एम.सी.मिस्तल, उप सचिव

New Delhi, the 20th June, 2001

S.O. 1628.—In exercise of the powers conferred by sub-Section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu, namely :—

"Areas comprising the Revenue Villages of Thadikombu Centre Thadikombu, Aharam, Alakkuvarpatti, Anaipatti Thamaraiikulam, Kuttathupatti, Silvarpatti, Alagupatti, Gununathanaickannur, Sallerumbu of Dindigul Taluk and Marampadi of Vedasanthur Taluk in Dindigul District."

[No. S-38013/11/2001-S.S.I.]

M.C. MITTAL, Dy. Secy.

नई दिल्ली, 28 जून, 2001

का.आ. 1629.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अगस्त, 2001 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4, अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"बीकानेर नगर पालिका की विस्तारित सीमाओं के अन्तर्गत आने वाले क्षेत्र"।

[सं. एस. 38013/12/2001-एस.एस. I]

एम.सी.मिहल, उप सचिव

New Delhi, the 28th June, 2001

S.O. 1629.—In exercise of the powers conferred by sub-Section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Rajasthan namely :—

"The areas comprising within the extended municipal limits of Bikaner."

[No. S-38013/12/2001-S.S.I.]

M.C. MITTAL, Dy. Secy.

नई दिल्ली, 22 जून, 2001

का.आ. 1630.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन नैवल कैन्टीन सर्विस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई, नं. 2 के पंखाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल. 14011/11/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1630.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Mumbai, No. 2 as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Indian Naval Canteen Service and their workmen, which was received by the Central Government on 22-6-2001

[No. L-14011/11/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT

S.N. SAUNDANKAR

Presiding Officer

Reference No. CGIT-2/200 of 1999

EMPLOYERS IN RELATION TO THE MANAGEMENT OF INDIAN NAVAL CANTEEN SERVICE

The General Manager,
Indian Naval Canteen Service,
Nofra, Navy Nagar,
Colaba, Mumbai.

AND

THEIR WORKMEN

A.K. Singh,
General Secretary,
I.N.C.S. Tarang,
Navy Nagar,
Colaba, Mumbai-400 005.

APPEARANCES.

For the Employer : No Appearance.

For the Workmen : Ms. K.N. Samant,
Advocate.

Mumbai, the 29th May, 2001

AWARD

The Government of India, Ministry of Labour by its Order No. L-14011/11/99/IR(DU), dated 27-10-99, have referred the following dispute for adjudication to this Tribunal in exercise of powers conferred on it by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act of 1947.

"Whether the action of the management of Indian Naval Canteen Services, Mumbai in not paying Bonus/ex-gratia

at the rate of 20% of the gross earnings of the employees for the years 1994-95, 1995-96 and 1996-97 is legal and justified? If not, what relief the workman concerned are entitled to?"

2. The General Secretary of the Indian Naval Canteen Services, Employee's Union, Mr. A. K. Singh by the Statement of claim (Ex-6) contended that canteen facilities to the Personnels of Armed Forces, Members of their families who are holding identity cards and the retired armed forces personnels and members of their families are rendered the said facility which provide food stuffs, refreshments of all kinds, cigars, cigarettes, news papers, periodicals, stationery etc., to promote the comfort and well-being of the members of the Naval forces and in general to arrange for the distribution of the same to members of such forces. The total strength of the employees of the Naval Canteen is about 120 in Mumbai, which there are three branches. It is contended, members vis-a-vis employees of the Indian Naval Canteen were paid on ad-hoc basis from October '84, 10% of wages of ceiling of Rs. 900 and thereafter from 30-10-85 10% of wages subject to ceiling of Rs. 1,600 and thereafter from 17-12-85 1% and from 19-12-87 subject to a ceiling of Rs. 2,500. However, being not satisfied with the mode of payment towards Bonus, it raised a demand for 20% bonus for the years 1994-95, 1995-96 and for the year 1996-97. However, the Indian Naval did not take cognisance of the same though the letter was issued by the union dt. 22-10-96 pointing out all the Central and State Government employees where even productivity or profit is not taken into account are paid more than Rs. 2,500. It is contended that the Indian Naval Canteen making huge profit every year, still the employees are paid at the rate prevalent at 1989 and the demand for Bonus @20% was not considered though protest was made by the union. It is contended on giving reminders the Indian Naval Canteen did not pay heed. Therefore they had proceeded on strike and later on raised a dispute with the Regional Labour Commissioner (C) on 5-11-97 which failed. It is contended the activity of Indian Naval Canteen clearly fall in the definition of industry. It makes huge profit per year but the prosperity is not shared by the canteen with their employees and on this ground their demand of 20% of the gross earning of the employees for the years 1994-95, 1995-96, 1996-97 as bonus/ex-gratia is legal.

3. Record shows that management served with notice vide Exhibit-3. However, inspite of giving sufficient time none appeared on behalf of the management till today. Consequently matter proceeded ex-parte. The union was directed to file affidavit in support of their claim and accordingly Shri S.K. Suvarna filed affidavit at Exhibit-11 reiterating the recitals in the claim. It is affirmed that the Naval Canteen is an industry within Section 2(I) of the Act and therefore the present demand of bonus consequently falls within the meaning of Section 2(K) of the Industrial Disputes Act. It is affirmed that the provisions of Bonus Act are applicable to the management and therefore the union is justified in making demand of 20% of gross earnings of the

employees for the years 1994-95, 1995-96, 1996-97 which they claim, however denied by the management, though management make huge profit. The said sworn testimony of the union has gone unchallenged. Therefore going through the evidence, I find the action of the management of Indian Naval Canteen Service, Mumbai in not paying bonus/ex-gratia at the rate of 20% of the gross earnings of the employees for the years 1994-95, 1995-96, 1996-97 is not just and proper and that the workmen are entitled to get same benefit and hence the order :

ORDER

The action of the management of Indian Naval Canteen Services, Mumbai in not paying Bonus/ex-gratia at the rate of 20% of the gross earnings of the employees for the years 1994-95, 1995-96 and 1996-97 is not legal and justified.

Management is directed to extend the facility of Bonus/ex-gratia at the rate of 20% of the gross earnings of the employees for the years 1994-95, 1995-96, 1996-97 to the employees.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 22 जून, 2001

कॉ-आ० 1631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महानगर टेलीफोन निगम लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सुम्बई, नं. 2 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल. 40011/10/98-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1631.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Mumbai, No. 2 as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M.T.N.L. and their workman, which was received by the Central Government on 22-6-2001.

[No. L-40011/10/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT

S.N. SAUNDANKAR

Presiding Officer

Reference No. CGIT-2/170 of 1998

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

The General Manager,
Mahanagar Telephone Nigam Ltd.,
Advani Chambers Canteen,
Advani Chambers,
Mumbai 400 036

AND

THEIR WORKMEN

The General Secretary,
Bombay Telephone Canteen Emp. Assn.,
C/o Prabhadevi Telephone Exchange,
Canteen, 1st Floor, Dadar (W),
Mumbai 400 028.

APPEARANCES

For the Employer : Ms. Y. J. Mistry,
Adv. holding for
Mr. V.S. Masurkar

For the Workmen : Mr. M.B. Anchan,
Advocate :
Mumbai, the 28th May, 2001

AWARD

The Government of India, Ministry of Labour by its Order No. L-40011/10/98/IR(DU), dated 30-11-98, have referred the following Industrial dispute to this tribunal for adjudication.

“Whether the demand of regularisation in service of S/Sh. Ratnakar M. Mogaveera and Krishna K. Mogera as Asstt. Halwai and Bearer w.e.f. July, 1985 and April 1988 respectively is legal and justified ? If not, to what relief the workmen are entitled ?”

2. Pursuant to reference notice, General Secretary of the union filed Statement of claim (Ex-7). The same was challenged by the management vide Written Statement (Exhibit-8). On the rival pleadings of the parties by Learned Predecessor framed issues (Exhibit-9) and when the matter was fixed for evidence the management on 20-12-1999, filed an application (Exhibit-10) mentioning therein that the union in para-4, 5 & 6 have averred that the workmen concerned were terminated from the service. Therefore the question of regularising their service as framed in the schedule, does not survive. The workman vide purshis (Ex-13) contended that this tribunal received Order No. L-40012/479/2000/IR(DU), dated 22-01-2000 in Reference No. 22 of 2001, where in point as regard termination of services of the workman has been raised and therefore the instant reference be disposed of.

3. Since the point as regards regularisation of service of the workman concerned does not survive since management have terminated them of which reference has been received to this Tribunal vide Order dt. 22-01-2001, consequently this reference deserves to be disposed of and hence the order :—

ORDER

Reference stands disposed of vide purshis (Exhibit-13)

S.N. SAUNDANKAR, Presiding Officer

BEFORE THE CENTRAL GOVT. OF INDUSTRIAL
TRIBUNAL NO 2, MUMBAI

Ref. No. CGIT 2/170 of 1999

Mahanagar Telephone Nigam Ltd.

and

Their workmen.

May it please your Honour :

In view of this new Reference No. CGIT-2/22 of 2001. The Union does not want to prosecute the above reference provided their continuity in service is maintained, if they succeed in Ref. No. CGIT-2/22 of 2001. Accordingly the above reference may be disposed of copy enclosed of the order in Ref. No. CGIT-2/22 of 2001, Mumbai.

Dated : 28-5-2001.

M.B. ANCHAN, Advocate for the Union

ORDER

No. L-40012/479/2000/IR(DU) : Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of The General Manager, Mahanagar Telephone Nigam Ltd. and their workmen in respect of the matters specified in the Schedule hereto annexed :

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2. The said Tribunal shall give its award within a period of three months.

SCHEDULE

“Whether the action of the management of General Manager, MTNL, Mumbai in terminating the services of S/Sh. Ratnakar M. Mogaveera and Krishna K. Mogera is just, legal and proper ? If not, to what relief the workmen are entitled ?”

KULDIPRAJ VERMA, Desk Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1632.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेन्ट ऑफ पोस्ट आफिस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

चेन्नई के पंचायत को प्रकाशित करतो है, औ केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल. 40012/52/96-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1632.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Superintendent of Post Offices and their workman, which was received by the Central Government on 22-6-2001.

[No. L-40012/52/96-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 29th May, 2001

Present : K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 487/2001

(Tamil Nadu State Industrial Tribunal I.D.No. 51/98)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, between the Workman Shri M. Bheemaraj and the Management, The Superintendent of Post Offices, Pattukottai Division, Pattukottai.)

BETWEEN

Shri M. Bheemaraj : I Party/Workman

AND

The Superintendent of : II Party/Management
Post Offices,
Pattukottai Division

Appearance :

For the workman : M/s. Jothivani &
V Kastur, Advocates

For the Management : Sri K. Sambasivam,
ACGSC

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-40012/52/96-IR (DU) dt. 02-03-98 :—

"Whether the action of the Management of Superintendent of Post Offices, Pattukottai division, in

terminating Shri M. Bheemaraj is legal and justified? If not, to what relief is the workman entitled?"

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 51/98. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt., this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I. D. No. 487/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 5-3-2001.

3. When the matter was taken up for enquiry 5-3-2001, the counsel for I Party was present and the counsel for the II Party/Management was not present. So the case was adjourned to 26-3-2001. On that day as the Presiding Officer was holding Camp Court, this case was adjourned to 18-04-2001. On that day, on request of the counsel for the II Party/Management the case was adjourned to 27-04-2001 for filing of memo of appearance. On 27-4-2001, the counsel for the II Party/Management alone present and the case was adjourned to 8-5-2001 for enquiry. On that day, both the parties and the counsel on either side on record were not present. As there was no representation on either side the case is pending for adjudication from 1998 onwards as per the above cited reference, the case was adjourned to this date finally for enquiry.

4. When the matter was taken up for enquiry to-day, both the parties remained absent. The counsel for the II Party alone is present and the counsel for the I Party is not present. There is no representation on the side of the I Party/Workman. The inaction of the I Party/Workman by his non-appearance and non-representation enables this Tribunal to conclude that there is no industrial dispute as such now existing between the parties. Hence, this industrial dispute is dismissed for default and for non-representation.

5. In the result, an award is passed holding that 'No dispute' exists between the I Party/Workman and the II Party/Management and the reference is closed as dismissed. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 29th May, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 22 जून, 2001

AWARD

स.ओ. 1633.—औद्योगिक विवाद अधिनियम, 1947 (1947 का अधिनियम 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम डिपार्टमेंट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के अWARD को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[स. एन. 40012/115/97-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi (the 22nd June, 2001)

S. O. 1633.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 22-6-2001.

[No. L-40012/115/97-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 21st May, 2001

Present: K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 501/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 88/98)

(In the matter of the dispute for adjudication under section 10 (1) (d) and Sub-section 2(A) of the Industrial Disputes Act, 1947, between the Workman Shri M Subramaniam and the Management, The Chief General Manager, Telecom Circle, Chennai.)

BETWEEN

Shri M Subramaniam I Party/Workman

AND

1. The Chief General Manager, : II Party/Management
Telecom Tamil Nadu Circle,
Chennai.

2. The General Manager,
Telecom, Salem

Appearance.

For the workman : Sri R. Renga Ramanujam,
Advocate

For the Management : Sri D. Nandakumar,
Advocate

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-40012/115/97-IR (DU) dt. 16-06-98. —

“Whether the action of the Management of Telecom Department, Salem and Chennai in terminating the services of Shri M. Subramaniam, Ex-casual labour w.e.f. 22-06-1988 is justified or not? If not, to what relief is the workman entitled?”

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 88/98. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt., this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D. No. 501/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 7-3-2001.

3. When the matter was taken up for enquiry 7-3-2001, the counsel on either side and both the parties were not present. So the case was adjourned to 19-3-2001. On that day also, the counsel on either side and both the parties were retained absent. Then the case was adjourned to 4-4-2001, 27-4-2001 and finally to this date on 21-5-2001.

4. When the matter was taken up for enquiry to-day, both the parties remained absent. The counsel for the II Party alone is present. There is no representation on the side of the I Party. This case has been referred as an industrial dispute for adjudication by this Tribunal by the Govt. of India, Ministry of Labour as early as 16-06-1998. The inaction of the I Party/Workman by his non-appearance and non-representation enables this Tribunal to conclude that there is no industrial dispute as such now existing between the parties. Hence, this industrial dispute is dismissed for default and for non-representation.

5. In the result, an award is passed holding that ‘No dispute’ exists between the I Party/Workman and the II Party/Management and the reference is closed as dismissed. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 21st May, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1634.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन टेलीकॉम डिपार्टमेंट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल. 40012/119/91-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1634.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Indian Telecom Department and their workman, which was received by the Central Government on 22-6-2001.

[No. L-40012/119/91-IR (DU)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 173 of 1991

Sh. Paramjit Singh, ... Petitioner
C/o Sh. Tek Chand Sharma,
25, Sant Nagar, Civil Lines,
Ludhiana-141001.

Vs.

Divisional Engineer (Phones) Cables ... Respondent
Indian Telecommunication Deptt.,
Ludhiana-141001.

Appearance :

For the Workman : None.
For the Management : Shri I.S. Sidhu

AWARD

(Passed on 16th May, 2001)

The Central Govt. Ministry of Labour vide Notification No. L-40012/119/91-IR. (D.U.) dated 14th November, 1991 has referred the following dispute to this Tribunal for adjudication

“Whether the action of the Management of Indian Telecommunication Department, through Divisional Engineer Phones (Cables) in terminating the services of Paramjit Singh, Driver, from 30-9-89 is legally valid and justified ? If not, to what relief the workman is entitled to and from which date ?”

2. None has put up appearance on behalf of the workman despite several notices. The case is pending since 1991. It appears that workman is not interested to pursue with the present reference. In view of the above, since the workman is not interested to pursue with the present reference, the same is returned to the Ministry for want of prosecution. Appropriate Govt. be informed.

B.L. JATAV, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1635.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2001 को प्राप्त हुआ था।

[सं. एल. 40012/139/2000-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1635.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 22-6-2001.

[No L-40012/139/2000 IR(DU)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JAIPUR

Case No CGIT 37 of 2000

Reference No. L-40012/139/2000/IR (DU) dt. 30-6-2000

Sh. Naval Kishore Harijan ... Petitioner
S/o Sh. Surajmal
R/o Behind Commerce College,
E-4, University Campus, Jaipur.

Vs.

Sub-Divisional Engineer (Phones) ... Respondent
Telecom Department, Bajaj Nagar,
Jaipur.

Appearance :

For the Applicant : None.

For the Non-applicant : None

Date of Award : 22-5-2001

AWARD

The Central Government has referred the following Industrial Dispute under clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

"Whether the action of the management of Telecom Department, Jaipur in terminating the services of Shri Naval Kishore Harijan, Sweeper w.e.f. 1-5-97 is justified ? If not, to what relief the workman is entitled ?"

The applicant filed the statement of claim stating that he worked in the establishment of non-applicant from 12-6-90 to 30-4-97 on the post of Sweeper continuously. However, his services were terminated w.e.f. 1-5-97 in violation of Section 25-F of the Act, 1947. The applicant is unemployed since termination of his services. It was prayed that he be reinstated in service with back wages and continuity in service after making him permanent.

The applicant was directed to send the copy of the claim to the non-applicant by regd-AD within 7 days and the case was fixed for 2-5-2001 for reply. On 2-5-2001 the case was adjourned to 22-5-2001. Today none of the party is present. The applicant has not also supplied copy of the statement of claim to the non-applicant. It seems that the applicant is not interested in pursuing the claim. No dispute award is therefore passed.

Copies of the award may sent to the Central Government under Section 17 (1) of the Act, 1947 for publication.

Sd/- Illegible,
Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल. 40012/288/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1636 —In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 22-6-2001

[No. L-40012/288/99-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Presiding Officer : Rudresh Kumar

ADJUDICATION

I.D. No. 3/2000

Ref. No. L-40012/288/99/IR (DU) dt. 16-12-99

BETWEEN

Jamsher S/o Sri Munna
Hazratganj, Lucknow
C/o Sh. P.K. Tewari
96/196, Roshan Bajaj Lane
Old Ganeshganj, Lucknow.

AND

The General Manager, Telecom Deptt.,
O/o General Manager, Gandhi Bhawan,
Lucknow (U.P.) 226001.

AWARD

By reference No. L-40012/288/99/IR(DU) dt. 16-12-99, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and sub section 2(A) of Section 10 I.D. Act, 1947 (14 of 1947) made over this Industrial dispute between Jamsher S/o Sri Munna and the General Manager, Telecom Deptt., Lucknow for adjudication. The Reference is produced as under :

"Whether the Action of the Management of Telecom Department in Terminating the services of Sh. Jamsher from September, 1995 is Legal & Justified ? If not, to what relief he is entitled ?"

3. The workman, Jamsher claim reinstatement with back wages against his employer, the General Manager, Telecom Deptt., Gandhi Bhawan, Lucknow and others. The facts stated in the claim statement are : that he was engaged on 9-6-87 in P.K. Bhawan, Lucknow as daily wage Safaiwala. He continuously worked from 9-6-87 to Oct. 1990 and a certificate was issued to him by the Public Relation Officer, Lucknow Telephones on 9-1-1990. His period of working from Jan. 1991 to Jan. 1994 was certified by Asstt. Engineer, Phones (HRD), General Manager Office, Telecom Deptt., Lucknow on 14-2-96 through letter No. 12-6/KW/90-92/65. The workman was shown having worked for 727 days. Again, by letter No. 12-6/KW/90-95/99 dt. 1-11-95, Asstt. Engineer, Phones (HRD) certified his working days to be 455 days in between Feb. 1994 to Sept. 1995. The workman continued to work thereafter, also, but his working period was not certified. He was issued Identity Card No. 20294 dt. 30-5-96 valid till 31-1-2001. The safai work is perennial in nature and the workman was engaged against such work, discharged his duties regularly. His services were terminated on claiming temporary status and regularisation. No notice was given to him nor any retrenchment compensation paid at the time of termination, rendering action of the management illegal.

4. The management has not denied engagement of the workman. However, it has denied his continuous working for 240 days in any calendar year. It is also stated that the workman was not selected as per procedures and so, can not derive any legal status or right to post of Safaiwala.

5. Parties relied on documentary as well on oral evidence. The workman filed his affidavit and the management also relied on affidavits of Nirmal Kumar & R.S. Saroj, Dy. Div. Officer (Phones). The workman has filed certificates to prove his working period in the department vide letter dt. 9-1-90, 24-2-94 and 1-11-95. In the year from 9-6-87 to 24-11-88 he worked for only 90 days. However, from 27-2-89 to 29-3-90 he worked 228 days, upto Oct. 1990 his total working is certified to be 283 days. Letter dt. 24-2-94 certified his working period with yearwise details. In 1991 he worked from Jan. to Dec. 212 days in 1992 and 1993 he worked for 250 days and 245 days respectively. In the year 1994, he worked for 233 days and in the year 1995 also for 233 days. This figure is not denied by the management. The workman also filed photo copies of the attendance sheets showing his presence.

6. As said earlier, the management has not denied engagement of the workman. Correctness of the certificate have also not been disputed. The management witness MW2 R. S. Saroj admitted issuance of the certificates and their genuineness. Even by admitted facts it is fully proved that Jamsher had worked for 250 & 245 days respectively in the year 1992 and 1993. He continued to work even subsequently. There is no denial that notice and compensation as envisaged under section 25 F was not given to the workman. The action of the management, thus, is unsustainable in law.

7. The workman is entitled to reinstatement with back wages. Award accordingly.
Lucknow
15-6-2001

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1637.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल. 40012/292/99-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1637. —In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Lucknow as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Telecom. Department and their

workman, which was received by the Central Government on 22-6-2001.

(सं. एल. 40012/292/99-आई.आर.)
KULDEEP RAY VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM LABOUR COURT, LUCKNOW

Presiding Officer, Rudresh Kumar

ADJUDICATION

I.D. No. 2/2000

Ref. No. L-40012/292/99/IR (DU) dt. 16-12-99

BETWEEN

Smt. Paro, W/o Hasim,
C/o Sh. P.K. Tewari,
96/196, Roshan Bajaj Lain,
Old Ganeshganj,
Lucknow.

AND

The General Manager, Telecom. Deptt.,
O/o General Manager,
Gandhi Bhawan,
Lucknow (U.P.) 226001.

AWARD

By reference No. L-40012/292/99/IR (DU) dt. 16-12-99, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 I.D. Act, 1947 (14 of 1947) made over this industrial dispute between Smt. Paro W/o Hasim and the General Manager, Telecom Deptt., Lucknow for adjudication.

The Reference is produced as under :

"Whether the Action of the General Manager of Telecom Lucknow in Terminating the services of Smt. Paro daily rated Safaiwala from June, 1995 is Legal & Justified? If not, to what relief she is entitled?"

2. The lady workman, Smt. Paro has filed her claim seeking reinstatement with back wages. Her case, is, that she was appointed as daily wage Safaiwala, under Asstt. Engineer, Phones (L&P), P.K. Bhawan, Lucknow on 18-1-93. She worked upto 17-6-93 in the said office. She was again appointed in Jan. 1994 as casual sweeper in compliance of the letter of Dy. General Manager, Telecom (Planning), Lucknow dt. 30-12-93. She worked from 1-1-94 to 18-10-95, i.e. for 468 days and a certificate was issued to her by the Sub Divisional Officer (HRD) to that effect. Though, she used to work even after 1995 but her work days were not certified. Her claim for regularisation resulted into terminating her services. She continues to work there and an identity card has been issued

upto 2001, but payments are made through the contractor. Earlier, payments were made by the department on Form ACJ-XVII. It is also stated that safai work is of perennial nature. The lady workman, having worked for more than 240 days in one calendar year was terminated illegally.

3. The management has not denied engagement of the lady workman, but pleads that the daily wagers are engaged as per requirement and they derive no right to claim appointment. The workman did not derive any legal status in the department. It is also pleaded by the management that the Central Government imposed ban on engagement of casual labours w.e.f. 1-4-85. If some officer engaged any such labour and issued certificates to her, the department is not bound by such illegal act of the individual officer.

4. The main issue, to be determined is, whether the lady workman worked for 240 days in any calendar year? On behalf of the lady workman, certificate dt. 20-10-93 issued under the signature of Asstt. Engineer, Phones (L & P), P.K. Bhawan, Lucknow, letter of Asstt. Engineer dt. 30-12-93 Memo No. Bhartiya/M-53-CH/VII/KW/93 dt. 30-12-93 issued by the Asstt. Engineer (HRD) have been filed. The work certificate issued by Asstt. Engineer (HRD) vide letter No. GEN/12-6/KW/90-95/97 dt. 18-10-95 is also relied besides photo copy of the identity card, photo copies of the attendance sheets. The management has not filed any documentary evidence but examined Satish Chandra Tewari, Sub. Divisional Engineer, General Manager Office and R.S. Saroj, Dy. Div. Officer (Phones).

5. As stated earlier, the management has not denied engagement of the workman. Likewise, the management has not challenged bonafides and correctness of the documents relied by the lady workman. Its case is that she was engaged as daily wager and worked continuously. She was admittedly paid on ACG-XVII but according to her, presently, the payments are made through a contractor. She is still working as Safaiwali in P.K. Bhawan, General Manager Office, Telecom Department.

6. The management witnesses responsible gazetted officers admitted genuineness of the working certificates. MW1 Satish Chandra Tewari testified that safai work is of perennial nature. A daily wager is not given any appointment letter. A temporary register is maintained to verify his working days for purposes of payments. Payments are made to such daily wager on ACG-XVII. This witness admitted his signatures on the sheets of the attendance register marked Ex. 2, 3, 4. However, this witness would not say as how many days the lady workman had worked. The other witness R.S. Saroj, Asstt. Engineer (HRD) has also testified that daily wagers are engaged by the local officers. He was posted as Asstt. Engineer, Phones (HRD), Gandhi Bhawan, Lucknow. The lady workman was working there. This witness admitted to have issued certificate Ex. W1 which shows 252 days working in year 1994 and 216 days in the year 1995. Total period of working comes to 468 days. From this admitted certificate it is proved

that in the year 1994, the lady workman had worked for 252 days in a calendar year. This admission is sufficient to attract section 25-B of the I.D. Act, and the lady workman is entitled to benefit of section 25-F. It is not denied by the management that lady workman was issued any notice before termination of her services or she was paid any retrenchment compensation etc. Evidently, the termination is bad in law and not sustainable.

7. Smt. Paro worked continuously for 240 days in one calendar year and so, is entitled to protection of section 25-F. Management did not comply with the said provisions and thus the lady workman is entitled to reinstatement with back wages, less drawn in gainful employment. She has admitted payment through the contractor.

8. Thus, the action of the management in terminating services of Smt. Paro was not legal or justified and she is entitled to reinstatement with back wages less paid to her in some gainful employment.

9. Award as above.

RUDRESH KUMAR, Presiding Officer
Lucknow 15-6-2001

नई दिल्ली, 22 जून, 2001

का.आ. 1638.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान एटोमिक पावर स्टेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल. 42011/12/2000-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1638.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rajasthan Atomic Power Station and their workman, which was received by the Central Government on 22-6-2001.

[No. L-42011/12/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

CASE NO. CGIT 26/2000

REFERENCE NO. L-42011/12/2000/IR(DU)

Dated : 31-5-2000

Shri K. L. Sharma, Through General Secretary, Rajasthan Anushakti Pariyojana Karamchhari Sangh (INTUC), Rawatbhata.

.....APPLICANT

V/s.

The Project Director, Rajasthan Atomic Power Station, Unit-1 & 2, Anushakti via : Kota (Rajasthan).

..... NON-APPLICANT

ATTENDENCE

For the applicant : Shri Suresh Kashyap, Advocate

For the non-applicant : Shri Anupam Agrawal, Advocate

Date of Award : 11-5-2001

AWARD

The Central Government has referred the following industrial dispute under clause (d) of sub-section (1) and sub-section 2(A) of the Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as Act, 1947) for adjudication.

"Whether the action of NPCIL management to deny the scale of Rs. 1640-2900 (Pre-revised) to Sh. K. L. Sharma, Steno w.e.f. 1994 is legal & justified ? If not, to what relief Sh. K. L. Sharma is entitled and from which date ?"

Statement of claim was filed by the General Secretary, Rajasthan Anushakti Pariyojana Karamchhari Sangh (hereinafter referred as the Sangh) stating that Shri K. L. Sharma (hereinafter referred as the applicant) was appointed in Rajasthan Anushakti Pariyojana Station w.e.f. 7-7-89 in the pay scale of Rs. 1200-2040 (pre-revised) and revised pay scale of Rs. 4000-6000. The applicant continuously worked as Junior Stenographer upto 17-12-96 and selected as Stenographer Grade II w.e.f. 18-12-96 in the pay scale of Rs. 1400-2600 (pre-revised) revised Rs. 5000-8000. Shri K. L. Sharma and Shri U. K. Sharma were appointed initially as Jr. Stenographers in the pay scale of Rs. 1200-2040. Shri U. K. Sharma is Junior to the applicant. The applicant has not been given the pay scale of Rs. 1640-2900 (pre-revised) while other employees from the same panel of Rs. 1400-2600 have been given the benefit of revision of pay scale of Rs. 1640-2900 in the scale of Sr. Stenographers. The applicant, Shri U. K. Sharma, Shri P. S. Tomar and Shri Sunil Sammani were promoted w.e.f. 18-12-96 as Stenographer Grade-II in the revised scale of pay Rs. 5000-8000 while in Department of Atomic Energy/Nuclear Power Corporation of India Limited (hereinafter referred as NPCIL) management appointed Stenographer Grade-II in the pay scale of Rs. 5500-9000 revised after 18-12-96 w.e.f. 15-9-94. The applicant along with others has been denied the benefit of scale of Rs. 1640-2900 (pre-revised) w.e.f. 1-1-86 and thus the management has violated principles of equal work and equal wage. It was prayed that the applicant may be granted pay scale of Rs. 1640-2900 (pre-revised) now revised Rs. 5500-9000 w.e.f. 18-12-96.

The non-applicant in reply to the claim has stated that NPCIL had the following three tier structure of Stenographer

Cadre as detailed below :—

1. Jr. Stenographer : Rs. 1200-2040
2. Stenographer : Rs. 1400-2600
3. Stenographer Grade III : Rs. 1640-2900

Subsequently upgradation scheme was introduced in NPCIL w.e.f. 13-10-96 according to which Jr. Stenographer became eligible for upgradation standardized and their further promotion/upgradation is governed as per the norms given below —

S. No.	Present Designation	Scale of Pay	Standardised designation	Level
1.	Junior Stenographer	Rs. 4000-6000	Stenographer Grade I	Recruitment Level
2.	Stenographer Grade II (Promoted under upgradation scheme)	Rs. 5000-8000	Stenographer Grade II	Upgradation Level
3.	Sr. Stenographer Stenographer Grade III	Rs. 5500-9000	Stenographer Grade III	Vacancy based promotion level

It was stated that the applicant has compared his case of promotion with Shri U. K. Sharma who after having qualified in the written examination and stenography test for promotion to the post of Sr. Stenographer in August, 1994. During the relevant time the said post of Sr. Stenographer was promotional post based on the availability of the vacancy. In the examination held in the year 1994 for promotion to the post of Sr. Stenographer Shri Hoshiar Singh and Shri U. K. Sharma were declared successful. Shri Hoshiar Singh being a SC candidate was given appointment. Shri U. K. Sharma who belonged to General Category could not be promoted because the only vacancy available during the relevant time was of ST category. Action was initiated by the non-applicant to de-reserve the said post in order to promote Shri U. K. Sharma but due to administrative delay he could not be promoted and in the mean time upgradation scheme was also introduced in NPCIL w.e.f. 13-10-96. Shri U. K. Sharma who by that time was not promoted also appeared in the upgradation examination alongwith others and was declared successful and promoted as Stenographer Grade II w.e.f. 18-12-96 in the scale of Rs. 1400-2600 under the upgradation scheme. In spite of promotion as Stenographer Grade II under the upgradation scheme Shri U. K. Sharma regularly pursued his case and kept on agitating on his promotion, from September, 1994. The Station Authority took the decision to promote him in the pay scale of Rs. 1640-2900. It was also stated that the applicant in spite of eligibility did not appear in the examination held in

1994 and so can not claim parity with Shri U.K. Sharma. It was further stated that Corporation office order dt. 28-7-97 had clarified that the Sr. Stenographer in scale of Rs. 1400-2600 who were on position on 12-10-96 shall be brought over to the revised pay scale of 1640-2900 w.e.f. 1-1-86. Shri U.K. Sharma being Sr. Stenographer w.e.f. 15-9-94 in the scale of pay of Rs. 1400-2600 was brought over to the revised pay scale of 1640-2900 w.e.f. 15-9-94 whereas the applicant and others were in the grade of Jr. Stenographer in the pay scale of Rs. 1200-2040 on the date 12-10-96. Hence the applicant cannot claim the benefit of Sr. Stenographer of Rs. 1640-2900.

The applicant filed rejoinder to the reply stating that the departmental test held in August 1994 for promotion to the post of Sr. Stenographer has no relevancy as Shri Hoshier Singh being SC candidate was given promotion to the post of Sr. Stenographer against only one vacancy. It was also stated that departmental examination was held behind curtain and the information was not circulated. It was further stated that in the examination held in 1994 the applicant was placed at Sr.No 1, Shri Sunil Sharma at Sr.No.2 and Shri U.K. Sharma at Sr.No.3 as successful candidates and all were given promotion on the post of Stenographer Grade II w.e.f. 18-12-96. It was also alleged that after examination held in 1994 SC candidate having been appointed no panel existed and, therefore, Shri U.K. Sharma had no right for promotion.

In support of the claim the applicant filed his own affidavit. The learned counsel for the non/applicant was given opportunity to cross-examine him on his affidavit. The applicant also filed copies of the documents marked Annexure-A to I. On behalf of the non-applicant affidavit of Shri Cosmos Dang was filed. The learned representative of the applicant was given opportunity to cross-examine him on his affidavit. In the form of documentary evidence copy of the notes of the selection committee held on 23-8-94 and copy of the order dt. 9-12-93 and dt. 14/28-7-97 were filed.

Heard the arguments of the learned representatives of the applicant and learned counsel for the non-applicant and perused the record.

It is not disputed that the applicant was appointed as Jr. Stenographer vide order dt. 26-6-89 marked Annexure-A and Shri U.K. Sharma vide order dt. 31-7-89 marked Annexure-C w.e.f. 20-7-89. It is also not disputed that the applicant joined as Jr. Stenographer on 7-7-89 as mentioned in the final seniority list marked Annexure-B. There is also no dispute that on introduction of the upgradation scheme both the applicant and Shri U.K. Sharma appeared in the examination held in the year 1996 and both of them were declared successful and promoted as Stenographer Grade-II w.e.f. 18-12-96 vide order dt. 9-1-97 marked Annexure-E. The controversy is regarding grant of pay scale of Rs. 1640-2900 (pre-revised) w.e.f. 15-9-94 vide order dt. 2-6-98 to Shri U.K. Sharma being junior to the applicant and not granting the same pay scale to the applicant.

The learned counsel for the applicant has contended that no departmental competitive examination for Sr. Stenographer was held by the non-applicant in the year 1994 as stated by the applicant in his statement. His further contention is that even if it is proved that such an examination was held, Shri U.K. Sharma was not empaneled by the DPC. The examination is alleged to have been held in the year 1994 while Shri U.K. Sharma was given scale of Sr. Stenographer w.e.f. 15-9-94 vide order dt. 2-6-98. The panel does not survive after one year. His contention is that Shri U.K. Sharma being Junior to the applicant is getting higher pay scale of 1640-2900 while the applicant is getting the pay scale of 1400-2600 (pre-revised) which is discriminatory, and, therefore, the applicant is also entitled to the pay scale which Shri U.K. Sharma is getting. In support of his contention he has cited 1999(2) SCC 178 A.K. Sharma and Another v/s Union of India and Another, 2000(3) SCC 699 State of UP v/s Ram Swarup Saroj, 1999 (6) SCC 49 Purushottam v/s Chairman MSEB and Another and 1996 (4) SCC 319 Prem Singh and others v/s Haryana Electricity Board & others. On the other hand the learned counsel for the non-applicant has contended that applicant cannot compare himself with Shri U.K. Sharma who had appeared in the examination for promotion to the post of Sr. Stenographer held in the Year 1994 in pursuance of the circular dt. 9-12-93 and declared successful as is evident from the proceedings of the selection committee. As there was one vacancy which was reserved for SC candidate Shri Hoshier Singh who also appeared in the above examination and passed and was recommended and appointed on the post of Sr. Stenographer. As there was no other vacancy Shri U.K. Sharma could not be promoted w.e.f. 22-2-94 alongwith Shri Hoshier Singh. Another vacancy arose on 15-9-94 on promotion of D.R. Singh to the post of Stenographer Grade-III. The post which had fallen vacant on account of promotion of D.R. Singh was reserved for ST category and, therefore, the Corporate office was requested to dereserve the post. Ultimately Shri U.K. Sharma was given promotion on the post of Sr. Stenographer w.e.f. 15-9-94. In the case reported in 1999(2) SCC 178 the facts were that after 2 years of the issue of initial promotion order the appellants were informed that their promotion was ad hoc. Facts also justified the inference of ad-hoc promotion because appointment was neither regular nor empaneled nor the vacancy existed. It was held that the applicant could not be treated to have been promoted on regular basis. In the case reported in (1996) 4SCC 319 the appointments made against posts which fall vacant in future were held to be invalid. In the case reported in (2000)3 SCC 699 it was held that claim of the candidate in the panel was not defeated because currency of panel expired during pendency of litigation when the candidate had staked his claim during the currency of the panel. In the case reported 1999(6) SCC 49 it was held that duly selected candidate could not be denied

the pretext that panel's term has expired and post was filled up with some one else.

The contention of the applicant that departmental competitive examination for Sr. Stenographer was not held in the 1994 cannot be accepted. Shri Cosmos Dang the Manager (Personnel) has stated that circular for holding the above examination was pasted on the notice board and was sent to the sectional heads. The proceedings of the selection committee also state that the above examination was held in which Shri Hoshier Singh and Shri U.K. Sharma Jr. Stenographers were declared passed. In the circular dt. 9-12-93 it has not been mentioned that how many vacancies were existing and were anticipated. No rules or regulations have been filed on behalf of the parties as for how long the panel remain alive. Shri Cosmos Dang has stated that Shri U.K. Sharma could not be promoted as there was no vacancy and on promotion of Shri D.R. Singh one post of Sr. Stenographer fell vacant which was reserved for ST category. The matter was taken up with the corporate office to deserve the post in order to promote Shri U.K. Sharma and ultimately he was given promotion w.e.f. 15-9-94 on the post of Sr. Stenographer. Although representation made by Shri U.K. Sharma for promotion to the post of Sr. Stenographer had not been filed nor the correspondence regarding dereservation of the post of S.T. has been filed, but on that account the statement of Shri Cosmos Dang that Shri U.K. Sharma made representation and the matter was taken for dereserving the post cannot be doubted. It may be stated that on the back of Shri U.K. Sharma no finding can be given about the legality of promotion to Shri U.K. Sharma on the post of Sr. Stenographer as he has not been made a party in the claim. Shri U.K. Sharma was given promotion to the post of Sr. Stenographer for having passed departmental competitive examination held in the year 1994. The applicant, therefore, cannot compare him with Shri U.K. Sharma regarding grant of scale of Sr. Stenographer w.e.f. 1994 for not having appeared in the above examination. The authorities cited by the learned counsel for the applicant are not applicable in the present case. In the case 1999 (2) SCC 178 the appellants challenged their promotion on ad-hoc basis which does not have any relevancy in the present case. In the case reported in 1996(4) SCC 319 the advertisement mentioned the number of vacancies to be filled up. The appointments were made not only on the existing and anticipated but future vacancies also and appointments on the posts which fell vacant in future were held to be invalid. In the present case the circular for the departmental competitive examination for the post of Sr. Stenographer did not mention the number of posts which were existing and which were anticipated and the case, therefore, is distinguishable. In the case reported in (2000) 3 SCC 699 there were circulars regarding the period of validity of select list for appointment. As stated above no rules or regulations have been filed by either parties regarding the validity of the panel. The facts reported in 1999(6) SCC 49 also differ from the present case. The Apex Court in the case reported in KLR 1997 (Vol. 28) 809 has held that a wrong order

cannot give right to claim parity or equality. As mentioned above on the back of Shri U.K. Sharma the legality of his promotion cannot be decided. Even for sake of arguments it is assumed that promotion of Shri U.K. Sharma on the post of Sr. Stenographer was in any way irregular the same does not confer any right on the applicant for grant of the scale of the Sr. Stenographer w.e.f. 1994 when he did not appear in the departmental competitive examination for promotion to the above post. It may also be stated that in the letter dt. 31-12-99 submitted by the General Secretary of the Sangh to the ALC it has been stated that "There is no question of comparison between Shri K.L. Sharma and Shri U.K. Sharma" which also supports the above conclusion.

On the basis of the above discussion the action of the non-applicant in denying the scale of 1640-2900 to the applicant w.e.f. 1994 cannot be held to be illegal or unjustified and the applicant is not entitled to any relief.

The copies of the award may be sent to the Central Government under Section 17(1) of the Act, 1947 for publication.

Sd. Illegible
Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1639.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी.बी. डेम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42011/24/91—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1639.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman, which was received by the Central Government on 22-6-2001.

[No. L-42011/24/91—IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT 'SHRAM SADAN',
HICCROSS, II PHASE, TUNGABHADRA BOARD,
YESHWANTHPUR, BANGALORE

Dated : 14th June, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B.Com, LL.B,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,

BANGALORE

C.R.No. 86/91

I Party

II Party

Smt. Anjinamma and 6
Others,

The Secretary, T.B. Board.
T.B. Dam Bellary Distt.-583225(1)

C/o Shri N.V.

Vivekanandaswamy,
President,
KSGDWEF,

The Supdt. Engineer, T.B. Board,
T.B. Dam, Bellary-583225(2)

Unit Ananthapur Road,
Bellary-583101
(Advocate-Shri N. V.
Vivekananda Swamy)

The Executive Engineer,
LIC Division, T.B. Board,
Cantonment, Bellary-583104
(Advocate-Shri R. Satyamurthy)...(3)

AWARD

1. The Central Government by exercising the powers conferred by clause(d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42011/24/91-IR (DU) dated 18-12-91 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Tungabhadra Board, T.B. Dam, Bellary Distt. in terminating the services of Smt. Anjinamma, Smt. Eramma, Smt. Somakka, Smt. Durgamma, Smt. Sugamma, Smt. Basamma and Smt. Hanumakka is justified ? If not, what relief they are entitled to ?"

2. The first party workmen were working with the Second Party. Services of the workmen were terminated so this dispute is raised. In this case the services of Smt. Anjinamma, Smt. Eramma, Smt. Somakka, Smt. Durgamma, Smt. Sugamma, Smt. Basamma and Smt. Hanumakka are terminated.

3. The first party workmen appeared and filed Claim Statement.

4. The case of the first party workmen is as follows :

5. The first party workmen were appointed as workers on N.M.R. basis in the year 1983 in LIC Division, Bellary under the control of first Respondent and they are paying a salary of Rs.360 per month. The workmen discharged duties sincerely and without any bad remarks. But the management illegally terminated the services w.e.f. 27-7-1988. The action of the management is not correct and therefore first party workmen were prayed to pass award in their favour.

6. Second party appeared and filed Counter.

7. The case of the second party in brief is as under :

8. The dispute is not maintainable. The main contention of the Second party is that Tungabhadra Board was established in the year 1955 and its employees are not covered under the Industrial Dispute Act. It cannot be considered as an Industry. A lengthy statement in respect of the board is given in the Counter. The allegations made by the first party is not correct. There is no termination at all. The second party for these reasons has prayed to reject the reference.

9. It is seen from the records that on behalf of the first party workmen Smt. Anjinamma is examined as WW1. I have read the evidence carefully. According to the evidence of MW1 all these seven workmen were engaged by the board for cleaning the canal and garden and removing the grass grown on the canal whenever required. From the evidence it is clear that the workmen were only casual workers and for specific period and specific work. The work is not of permanent nature. He has also stated in his cross examination that as per rules they are not maintaining attendance register for daily wage and they maintained only muster roll for daily wage. WW 1 has stated in the cross examination that no document is produced to show that she was working from 1983 continuously till 1988 and no dakala to show that she was getting a salary of Rs. 360 per month.

10. I am of the opinion that there is no merit in this reference because first party workmen are not the permanent workers of the Second party management. I have carefully read the written argument given by the Second party. Again it is stated that the Tungabhadra Board, which is a statutory body under the Administrative Control of the Ministry was established under Andhra State Act to undertake operation of Tungabhadra Dam and deal with all matters relating to operation of Dam which are common to both states of Karnataka and Andhra Pradesh. In view of these, Tungabhadra Board cannot be considered as Industry and its employees are not covered under the provisions of Industrial Disputes Act. Against this nothing was convinced by the first party.

11. It is clear from the documents that the workmen have not worked continuously for 240 days. There is no Appointment Order and there is no termination order.

12. Considering all this I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 14th June 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

SCHEDULE

का.आ. 1640.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी.बी. डेम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42011/37/88-डी. II (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, 22nd June, 2001

S.O. 1640.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman, which was received by the Central Government on 22-6-2001.

[No. L-42011/37/88-D.II (B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT 'SHRAM SADAN',
IIIMAIN, IIICROSS, IIPHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 14th June, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,
PRESIDING OFFICER
CGIT-CUM-LABOUR COURT,
BANGALORE
C.R. No. 50/89

I Party	II Party
The President,	The Secretary
Tungabhadra Board Factory	Tungabhadra Board,
Workers and Civil Employees	T.B. Dam, Hospet Taluk,
Union, T.B. Dam,	Bellary District-583101
Hospet Taluk,	(Advocate—Shri A.K. Bhat)
Bellary Distt.—583101	

(Advocate—Shri A.S. Malebennur)

AWARD

1. The Central Government by exercising the powers conferred by clause(d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No.L-42011/37/88-D.II(B) dated 1-8-1999 for adjudication on the following schedule :

“Whether the action of the management of Tungabhadra Board, T.B. Dam, Hospet Taluk, Bellary District in introducing the qualification of SSLC for the post of senior work inspector is justified ? If not, to what relief the aforesaid workmen are entitled to ?”

1. The first party Union workman was working with the Second party management. The action of the management in introducing the qualification of SSLC for the post of Senior Work Inspector is not correct. Therefore the dispute is raised.

2. First party Union appeared and filed Claim Statement. It is the case of the first party that the second party appointed 28 persons from the existing workcharged personnel and recently converted them to workcharged. Nine vacancies of the Post of Senior Work Inspectors in the time scale of Rs. 1040-1900 and 2 vacancies of Care Taker in the time scale of Rs. 960-1760 were filled from N.M.R. Personnel ignoring the senior workcharged establishment who were competent to fill the posts in the normal promotional avenues were employed.

3. Second party management has no cadre and recruitment rules as such taking advantage of the same started imposing new norms and absorbing at random contra to the seniority of the existing workmen to higher posts with frustrated the channels of promotion and the seniority and experience of several workcharged employees who would have been normally entitled to these posts. The action of the management is not correct. List of seniority was prepared from the pay scale of Rs. 960-20-1100-30-1760 which is below the post of Senior Work Inspectors are overlooked deliberately. The action of the management is not correct as stated in para 4. The second party replied that a minimum qualification of SSLC is required for the post of Senior Work Inspector but the same is not correct. There are only four persons out of 49 work inspectors in the existing workcharged employees who possess SSLC qualification. The first party has prayed to pass award in its favour.

4. Second Party appeared and filed objections. The case of the second party is that the Industrial Dispute Act is not applicable to T.B. Board. The history of the board is given. It is heard that regarding SSLC as minimum qualification for promotion against the posts of Senior Work Inspector is therefore considered to be justified.

5. It is seen from the records that on behalf of the first party Workman WW1 is examined. He is the General Secretary of the Union and he has given detailed evidence. His cross examination goes to show that he is not aware of any facts. He admits in his cross examination that the above workmen are not possessing SSLC qualifications. The said workmen are not entitled for any promotion or regularisation based on their qualification. The learned counsel for the second party

submitted a copy of memo and according to this a minimum qualification of SSLC is required for the post of Senior Work Inspector.

6. Considering the documents before me I am of the opinion that there is no merit in this reference. Accordingly I proceed to pass the following order :

ORDER

The reference is rejected

(Dictated to PA transcribed by her corrected and signed by me on 14th June 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1641.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सलाल हाइड्रो इलेक्ट्रिक प्रोजेक्ट के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं.एल-42011/39/92-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1641.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Salal Hydro Electric Project and their workman, which was received by the Central Government on 22-6-2001

[No. L-42011/39/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B L. JATAV, PRESIDING OFFICER,
CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 59 of 1994

General Secretary,
Salal Project Workcharge Employees Union,
658-H, Talwara Colony, Reasi (J&K)

Workman/Union.

Vs.

General Manager,

Salal Hydro Electric Project
Jyotipuram Via Reasi (J&K)

.....Management.

APPEARANCES

For the workman : Shri Kapoor Singh

For the Management : Shri V. K. Gupta

AWARD

(Passed on 2nd May 2001)

The Central Govt. vide gazette notification No. L-42011/39/92-IR(DU) dated 25th July 1994 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of SHEP in selecting persons to the post of dresser on the basis of interview after annulling selections made earlier is fair and justified? If not, what relief the affected workmen are entitled to?”

“Whether the demand of the Union for re-designation of Shri Chet Ram as crane operator, the work which he is doing since 1986-87, from the post of fitter grade II is legal and justified? If so, what relief he is entitled to?”

2. This reference order relates to the industrial disputes relating to the post of dresser and redesignation of workman Shri Chet Ram as crane operator. Therefore, in the claim statement the facts of both the cases have been alleged in separate paragraphs.

3. The claim of the workman Shri Om Parkash is in brief is that he was working as attendant in the Salal Project. He appeared in interview for the post of dresser during the year 1991. He had the requisite qualification for the post of dresser. He was selected for that post and he worked in the capacity of dresser w.e.f. 6-2-1991 to 16-2-1991. Thereafter, the orders of the selection were kept in abeyance by the management and he was reverted to the post of attendant. The orders passed by the management is illegal and unjustified. He should be awarded the post of dresser w.e.f. 6-2-1991 with all allied benefits and cost of litigation.

4. The claim of Shri Chet Ram is in brief is that he was appointed as a rigger in workcharged cadre on 2-9-1979. He was attached with rigging and loft sub division since then he has been working as crane operator. He applied to the management several times of change of his designation as crane operator but no action was taken by the management. He also appeared in interview conducted by the management for the post of crane operator but he was not selected and other employees junior to him were selected. The workman had worked in Beas Sutlej Link Project as a rigger and remained attached with crane operation of different models and capacities. But he has not been designated as crane operator. Therefore, he should be made a crane operator since the date

of his appointment or with effect from 1-1-1986 with all full back allied benefits and cost of the litigation.

5. The management has alleged in written statement, that the workman Shri Om Parkash was appointed as dresser without complying with the requirement of law and principle of natural justice as the vacancy were not circulated for the information of all eligible workers. The Union of the workman raised an objection that selection for the post of dresser had not been made complying the principle of natural justice, the vacancies for the post of dresser must have been made known to all other workmen by circulation. Consequently the orders of the selection of the workman Shri Om Parkash was kept in abeyance by the management. The post of the dresser was notified among all eligible workmen. The claimant and other workmen applied for the post of dresser. Interview was held and the five workers were selected by selection committee. Shri Om Parkash and Badri Nath were recommended to be kept on waiting list. Therefore, the workman Shri Om Parkash has no right to be appointed as dresser. The pay scale and the grade of dresser and attendant are similar. Therefore, the claim of Shri Om Parkash be dismissed with no relief.

6. The management has alleged in respect of Shri Chet Ram that he was appointed as a rigger in work charged cadre on 2-9-1979. He was not promoted to the post of crane operator. He might have worked on the cranes with some other persons to learn the trade. No rigger junior to Shri Chet Ram have been re-designated as crane operator. He is not entitled to be promoted or re-designated as crane operator. His claim deserves to be dismissed.

7. The replication has been filed by the claimant workmen reaffirming the allegations made in the claim statement.

8. In this case it is an admitted fact that Shri Om Parkash was selected for the post of dresser and he worked in the capacity of dresser from 6-2-91 to 16-2-91. After that he was reverted to the post of attendant.

9. In this case, the claimant has submitted the affidavit of Shri Om Parkash ex. W1 alongwith the documents which have been exhibited Ex. W2 and W3. The affidavit of Shri Chet Ram is Ex. W4. Shri Om Parkash has deposed in his affidavit that he was selected for the post of dresser. He was reverted from the post of dresser to the post of attendant. He has submitted the experience certificate Ex. W3 and office order Ex. W2 vide which his selection for the post of dresser was kept in abeyance. The witness of the management is R.S. Mahapatra has deposed that the workman Shri Om Parkash was appointed as dresser but some of the Union led by Shri Banarsi Dass had objected to his posting and appointment on the ground that the notice of interview was not circulated in all the sections of the project. Therefore, the selection of the workman was kept in abeyance. Notice of the interview was circulated and eligible persons were selected for the post of dresser. Shri Om Parkash has admitted in the cross-examination that after two months vacancies of dressers were notified by

the management and he applied for the said post and appeared in interview. Five persons were selected by the selection committee. His admission proves that the selection of five persons was made following the due procedure. The irregularity committed during the course of selection of Shri Om Parkash was required to be rectified keeping in view the objections raised by the rival unions. The action taken by the management can not be said unfair and unjustified. The management was justified in cancelling the selection of Shri Om Parkash made without following due process. Therefore, the first term of reference is to be answered in favour of the management.

10. Workman Shri Chet Ram has deposed in his affidavit that he was appointed as fitter in Salal Project. He was attached with crane operations. He was applied for the post of crane operator. Interview was held by the management. He appeared in that interview but he was not selected. Even though he had requisite qualification and experience for the post of crane operator. Other junior persons were promoted to that post. But in the claim statement it has been pleaded that he was appointed as rigger. In his cross-examination, he has deposed that the duties of the rigger is to open the machine and repair it. He had worked as rigger in BSL Project and not in Salal Project. No order was issued by the management to discharge the duties of crane operator. He has also admitted that the selection committee, has selected some persons for the post of crane operator but he has not been selected by the selection committee, though he was eligible and qualified. The witness of the management, has also deposed that on the basis of the merit some workers were selected for the post of crane operator after holding interview. When the selection committee has not found him eligible he can not claim any right to the post of crane operator. He may have experience of crane operation. He might have worked with crane operator casually for some time. But these facts do not make him entitled to the post of crane operator whereas the selection committee did not find him eligible for that post. Under these circumstances, Shri Chet Ram working as fitter can not be re-designated as crane operator. The action of the management can not be said to be illegal and unjustified. Therefore, the reference deserves to be answered in favour of the management.

11. On appreciation of evidence adduced by both the parties, this Tribunal comes to the conclusion that the action of the management in both cases is fair and justified. Therefore, the reference is answered that the action of the management in selecting persons to the post of dresser on the basis of interview after annulling selections made earlier is fair and justified. Consequently Shri Om Parkash is not entitled to get any relief from the management. Similarly the demand of the Union for re-designation of Shri Chet Ram as crane operator from the post of fitter is not legal and not justified. He is not entitled to get any relief from the management. Both parties shall bear their own costs. Appropriate Govt. be informed.

Chandigarh
2-5-2001

B.L. JATAV, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1642.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टोमिक पावर स्टेशन के प्रबंधन के संबंध में औद्योगिक अधिभरण, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42011/39/95-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1642.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Atomic Power Station and their workman, which was received by the Central Government on 22-6-2001.

[No. L-42011/39/95-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज./

पीठासीन अधिकारी—श्री महेश चन्द्र भगवती, आर.एच.जे.एस.

निर्देश प्रकरण क्रमांक : औ. न्या./केन्द्रीय/-15/96

दिनांक स्थापित : 4-7-96

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल. 42011/39/95-आई.आर. (डी.यू.) दिनांक 27-6-96

निर्देश अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

अशरफ अली द्वारा महासचिव, राजस्थान अणुशक्ति

परियोजना कर्मचारी संघ (इंटक) रावतभाटा, कोटा।

—प्राथी श्रमिक

एवं

1. यूनियन आफ इण्डिया जर्ज सचिव, डिपार्टमेंट आफ एटोमिक एनर्जी, सी.एस.एम. मार्ग, बम्बई-39

2. परियोजना निदेशक एवं प्रबन्धक, राजस्थान एटोमिक पावर स्टेशन रावतभाटा, कोटा/राज./

—अप्राथीगण नियोजक

उपस्थित

प्राथी श्रमिक की ओर से प्रतिनिधि :—

श्री सतीश पचौरी

अप्राथीगण नियोजक की ओर से प्रतिनिधि :—

श्री वी.के. जैन

अधिनिर्णय दिनांक 7-5-2001

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश दिनांक 27-6-96 के जरिये निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम,

1947 (जिसे तदुपरान्त "अधिनियम, 1947 से सम्बोधित किया जावेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

"Whether the action of the management of Atomic Power Station Rawatbhata (Kota) in imposing a penalty of compulsory retirement of their workman Shri Ashraf Ali is legal and justified? If not, what relief the workman is entitled to?"

2. निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजीबद्ध उपर्युक्त पक्षकारों को सूचना विधिवत रूप में जारी की गयी।

3. प्राथी श्रमिक अशरफ अली द्वारा प्रस्तुत स्टेटमेंट ऑफ ब्लेसैंस अनुसार अप्राथी सं. 2 राजस्थान एटोमिक पावर स्टेशन, रावतभाटा, कोटा/राज./ (जिसे सुविधा के लिए तदुपरान्त "अप्राथी नियोजक सं. 2/आरएपीएस" से सम्बोधित किया जावेगा) द्वारा प्राथी अशरफ अली को कार्यदक्ष "सी" के पद पर प्रथम नियुक्ति बतौर दैनिक चेतन भोगी कामगार रहने के उपरान्त हेल्पर "ए" ग्रेड के पद पर द्वितीय चेतन आयोग के चेतनमान 50-1-60 के अनुसार दी गयी थी। इसके उपरान्त अप्राथी नियोजक सं. 2 द्वारा प्राथी अशरफ अली को दिनांक 15-2-64 से हेल्पर ग्रेड "बी" के पद पर, दिनांक 22-7-66 से हेल्पर ग्रेड "सी" के पद पर एवं कार्यदक्षता को दृष्टि में रखते हुए तदुपरान्त कार्यदक्ष "ए" ग्रेड चेतनमान 110-180 ट्रेण्ड पेट्रोल पम्प ऑपरेटर के पद पर पदोन्नत किया गया था। इसके उपरान्त प्राथी के चरित्र एवं कार्यदक्षता के आधार पर विभागीय चयन समिति ने उसे कार्यदक्ष "बी" ट्रेण्ड (पेट्रोल पम्प ऑपरेटर) के पद पर पदोन्नत किया। अप्राथी नियोजक ने प्राथी द्वारा दी गयी उत्तम सेवाओं के आधार पर दिनांक 26-9-73 के आदेश द्वारा उसे अर्द्धस्थायी कर दिया। प्राथी का अभिवचन है कि प्राथी का स्थानान्तरण जानबूझ कर पेट्रोल पम्प ऑपरेटर के पद से रेलवे साईडिंग, कोटा में कर दिया जिसकी पालना में उसने अपनी छूट्टी रेलवे साईडिंग में जोड़न करली। इसी दौरान उसकी पत्नी अत्यधिक बीमार हो जाने के कारण वह दि. 13-7-85 से 14-9-85, 15-9-85 से 13-11-85 एवं इसके उपरान्त 12-2-86 तक पत्नी के चिकित्सा प्रमाण-पत्र के आधार पर अवकाश पर रहा जो अप्राथी नियोजक सं. 2 ने स्वीकार कर लिया। प्राथी ने दिनांक 13-2-86 के पश्चात् भी स्वयं की बीमारी के आधार पर चिकित्सा प्रमाण-पत्र प्रस्तुत कर अवकाश पर रहने की सूचना दी, किन्तु अप्राथी नियोजक सं. 2 ने प्राथी को अनाधिकृत रूप से अनुपस्थित होने के कारण आरोप-पत्र दिया और उसके विरुद्ध विभागीय कार्यवाही प्रारम्भ की। यह अधिकृत किया गया है कि विभागीय जांच के दौरान जांच अधिकारी श्री गोयल ने प्राथी के विरुद्ध नरमी का दृष्टिकोण अपनाते हुए उसे आरोपों को स्वीकार करने के लिए उत्प्रेरित किया और जांच अधिकारी के इस आश्वासन के आधार पर प्राथी श्रमिक ने आरोपों को स्वीकार कर लिया जिस पर जांच अधिकारी ने प्राथी श्रमिक को आरोपित आरोपों में दोषी पाते हुए जांच रिपोर्ट सक्षम अधिकारी के समक्ष प्रस्तुत कर दी, जिसके आधार पर अप्राथी नियोजक सं. 2 ने प्राथी को आदेश दिनांक 12-6-87 के द्वारा अनिवार्य सेवानिवृत्ति के दण्ड से दण्डित कर दिया। प्राथी ने दिनांक 12-6-87 के दण्डादेश के विरुद्ध अपील अधिकारी के समक्ष अपील भी प्रस्तुत की, किन्तु अपील अधिकारी ने अपने आदेश दिनांकित 12-11-88 द्वारा प्राथी श्रमिक की अपील खारिज कर दी। इसके उपरान्त प्राथी ने एक

दया याचिका, सक्षम अधिकारी के समक्ष प्रस्तुत की जिस पर भारत सरकार के अवर सचिव ने अपने आदेश दिनांकित सित./अक्तू. 15, 1991 द्वारा उसकी दया याचिका भी खारिज कर दी। प्रार्थी ने अभिकथन किया है कि उसने दिनांक 2-1-64 से 12-6-87 तक 23 वर्ष के लम्बे सेवाकाल के दौरान सच्चाई एवं ईमानदारी से अपने कर्तव्यों का निर्वहन किया है, किन्तु उसे ग्रेजुटी एवं पेंशन का लाभ अप्राप्ति नियोजक द्वारा नहीं दिया गया है जोकि प्राकृति न्याय (संज्ञाओं के सर्वथा विपरीत है। प्रार्थी को निवृत्ति लाभ से भी वंचित किया गया है जोकि भारत के संविधान के अनुच्छेद 311 के सर्वथा विरुद्ध है। अतः प्रार्थी ने स्टेटमेन्ट ऑफ क्लेम प्रस्तुत कर अप्राप्तिगण द्वारा प्रार्थी पर अधिरोपित अनिवार्य सेवानिवृत्ति के दण्ड को निरस्त किये जाने, उसे पुनः सेवा में बहाल किये जाने, वेतन एरियर, पेंशन, ग्रेजुटी एवं समस्त लाभ प्राप्त करने का अधिकारी घोषित किये जाने की प्रार्थना की है।

4. अप्राप्तिगण की ओर से जवाब में प्रार्थी को दिनांक 2-1-64 से दैनिक वेतन भोगी सहायक-एक रूप में नियुक्ति किये जाने के तथ्य को स्वीकार किया है तथा यह भी स्वीकार किया है कि उसे 1-11-78 के आदेश द्वारा कार्यदक्ष "सी" के पद पर पदोन्नति दी गयी थी। अप्राप्तिगण ने यह भी स्वीकार किया है कि प्रार्थी श्रमिक अशरफ अली को दिनांक 13-7-85 से 12-2-86 तक का अवकाश स्वीकृत किया गया था, किन्तु उसके उपरान्त 13-2-86 से 21-5-86 तक वह अनाधिकृत रूप से अनुपस्थित रहा। अप्राप्तिगण के अनुसार प्रार्थी ने दिनांक 13-2-86 से 21-5-86 तक की अवधि में बीमार रहने का चिकित्सीय प्रमाण-पत्र तो भेजा था, किन्तु अवकाश बढ़ाने हेतु कोई प्रार्थना-पत्र प्रस्तुत नहीं किया, अतः प्रार्थी को चिकित्सा अधीक्षक, रापविध, चिकित्सालय के समक्ष उपस्थित होने के लिए एक ज्ञापन रजि. डाक द्वारा भेजा गया था जो बिना तामीन के लिए वापस प्राप्त हो गया। इसके उपरान्त श्री के. राजन, स.सु.अ. द्वारा ज्ञापन भेजा गया, किन्तु प्रार्थी श्रमिक ने उसे लेने से इन्कार कर दिया। परिणामतः दिनांक 13-2-86 से ग्रेजुटी पर अनाधिकृत रूप से अनुपस्थित रहने के कारण उसे आरोप-पत्र दिया गया एवं जाँच प्रारम्भ की गयी। जाँच अधिकारी ने प्रार्थी श्रमिक को उसके विरुद्ध लगाये गये आरोप में दोषी पाया और अनुशासनिक प्राधिकारी ने यह निष्कर्ष निकालते हुए कि प्रार्थी श्रमिक सेवा में रखने लायक नहीं है, उसे अनिवार्य सेवानिवृत्ति के दण्ड से दण्डित कर दिया। अप्राप्तिगण का यह भी कथन है कि प्रार्थी श्रमिक केन्द्रीय सिविल सेवाएं (सीसीए) नियमावली, 1972 के प्रावधानान्तर्गत कोई पेंशन प्राप्त करने का अधिकारी नहीं है। अप्राप्तिगण नियोजक ने प्रार्थी के इस कथन का खण्डन किया है कि जाँच अधिकारी ने प्रार्थी श्रमिक की जाँच के दौरान उसे आरोप स्वीकार करने की सलाह दी हो और उसके पक्ष में सहानुभूतिपूर्वक विचार कर दण्ड के सम्बन्ध में नरमी का दृष्टिकोण अपनाने का आश्वासन दिया हो।

5. अप्राप्तिगण ने जवाब के पैरा 8 में यह भी कथन किया है कि प्रार्थी श्रमिक एक अदोस्थायी तकनीकी कर्मचारी एवं भविष्य निधि योजना का लाभ भोगी कर्मचारी था एवं जब तक उसे स्थायी घोषित नहीं किया जाता तब तक वह पेंशन योजना में आने का विकल्प नहीं दे सकता और उसे केन्द्रीय सिविल सेवा (पेंशन) नियमावली, 1972 के अन्तर्गत पेंशन प्रदान नहीं की जा सकती। अप्राप्तिगण ने विशेष कथन में यह भी उल्लेख किया है कि माननीय उच्चतम न्यायालय ने अनिवार्य सेवानिवृत्ति के आदेश को दण्ड नहीं माना है और इससे प्रार्थी की सेवा पर कोई दाग नहीं लगता है।

अतः अप्राप्तिगण ने स्टेटमेन्ट ऑफ क्लेम को सच्यव खारिज किये जाने की प्रार्थना की है।

6. प्रार्थी श्रमिक ने अप्राप्तिगण के उत्तर का प्रत्युत्तर भी न्यायालय में प्रस्तुत किया है, किन्तु इसमें उन्हीं तथ्यों का विस्तृत रूप से उल्लेख किया है जिनका कि वर्णन स्टेटमेन्ट ऑफ क्लेम में किया गया है।

7. प्रार्थी श्रमिक अशरफ अली ने साक्ष्य में स्वयं को एवं पुरुषोत्तम बन्नी प्रसाद तत्कालीन सीनियर एकाउन्ट्स क्लर्क एवं महामंत्री, राज. अनुशक्ति परि. कर्मचारी संघ, रावतभाटा को परीक्षित करवाया है तथा अप्राप्तिगण की ओर से श्री सलीम सवार, तत्कालीन सहायक प्रबन्धक, रापविध पोस्ट अनुशक्ति को पेश किया गया है।

8. उभयपक्ष की बहस श्रवण की गयी तथा अधिलेख पर प्राप्त साक्ष्य एवं सुसंगत दस्तावेज का ध्यानपूर्वक परीक्षण किया गया। प्रार्थी श्रमिक ने लिखित बहस भी प्रस्तुत की है जिसका भी अवलोकन किया गया।

9. हस्तगत मामले में जो मुख्य प्रश्न विनिश्चितता हेतु व्युत्पन्न होते हैं, वे अधोलिखित हैं :—

(1) कि क्या दिनांक 9-3-87 को जाँच के दौरान जब जाँच अधिकारी श्री ओ.पी. गोयल द्वारा आरोप प्रार्थी श्रमिक को सुनाये एवं समझाये गये थे और प्रार्थी श्रमिक ने इन आरोपों को सही होना स्वीकार किया था तो क्या उसकी यह स्वीकारोक्ति स्वतंत्र, स्पष्ट, उत्प्रेरण व प्रभाव से परे थी?

(2) कि क्या अनुशासनिक प्राधिकारी श्री जी.वी. नाइकणी, मुख्य अधीक्षक ने अपने आदेश दिनांकित 12-6-87 द्वारा प्रार्थी श्रमिक अशरफ अली पर अनिवार्य सेवानिवृत्ति का जो दण्ड अधिरोपित किया है, वह प्रार्थी श्रमिक पर लगाये गये आरोपों की गम्भीरता के समानुपातिक है?

10. प्रथम प्रश्न के सम्बन्ध में प्रार्थी श्रमिक के विद्वान प्रतिनिधि श्री सतीश पचौरी ने प्रथम दलील यह पेश की है कि प्रार्थी श्रमिक पर अप्राप्ति नियोजक सं. 2 द्वारा जारी किये गये पत्र दिनांकित 13-3-86 की कभी तामील नहीं हुई और ना ही उसने श्री के. राजन से ज्ञापन लेने से इन्कार किया था। श्री पचौरी की दूसरी दलील यह है कि अप्राप्ति नियोजक के जाँच अधिकारी ने जब आरोप प्रार्थी श्रमिक को पढ़कर सुनाये एवं समझाये तो उस समय जाँच अधिकारी श्री गोयल ने प्रार्थी श्रमिक को यह आश्वासन दिया था कि सजा के बिन्दु पर उसके साथ नरमी का दृष्टिकोण अपनाया जायेगा और उसकी बीमारी एवं मानसिक मनोदशा को दृष्टि में रखते हुए सहानुभूतिपूर्वक विचार किया जायेगा। श्री पचौरी ने मेरा ध्यान जाँच अधिकारी श्री ओ.पी. गोयल की रिपोर्ट दिनांकित 1-4-87 प्रदर्श एम. 9 की ओर आकर्षित किया है जिसमें कि श्री गोयल ने अनुशासनिक प्राधिकारी को दण्ड के सम्बन्ध में सहानुभूतिपूर्वक विचार करने की सिफारिश की है। श्री पचौरी का तर्क है कि यदि जाँच अधिकारी श्री ओ.पी. गोयल उसे नरमी का दृष्टिकोण अपनाने का आश्वासन नहीं देते और उसे आरोप स्वीकार करने के लिए उत्प्रेरित नहीं करते तो वह अपने पक्ष में बचाव पेश करता, किन्तु श्री गोयल ने सारी कार्यवाही दिनांक 9-3-87 को ही पूर्ण कर जाँच का समापन कर दिया और उसकी मानसिक मनोदशा पर विचार किये बिना अनुशासनिक प्राधिकारी ने उसे सेवा निवृत्ति के दण्ड से दण्डित कर दिया।

श्री पचौरी ने युक्ति प्रकट की है कि प्रार्थी श्रमिक द्वारा आरोपों को स्वीकार करने की उचित स्वतंत्र एवं स्वेच्छया नहीं कही जा सकती और यदि आरोपों को स्वीकार करने की उचित स्वतंत्र रूप से नहीं की गयी है एवं स्वेच्छापूर्वक नहीं की गयी है तो ऐसी स्वीकारोक्ति के आधार पर प्रार्थी श्रमिक को आरोपों में दण्डित नहीं किया जा सकता। उन्होंने अपने इस तर्क के समर्थन में न्यायदृष्टांत "1990(1) एसएलआर 325, 1999 डब्ल्यूएलसी (यूसी) 742, 1998 एसएलआर (एससी) 659 एवं 1998(2) एसएलआर 45" को उद्धृत किया है। इसके विपरीत अप्रार्थीगण नियोजक के विद्वान प्रतिनिधि श्री पी.के. जैन ने दलील पेश की है कि जाँच अधिकारी द्वारा निष्पक्षता एवं संचाई से जाँच की कार्यवाही सम्पादित की गयी है। उसने प्रार्थी श्रमिक को ऐसा कोई आश्वासन नहीं दिया कि उसके साथ सजा के सम्बन्ध में नरमी का दृष्टिकोण अपनाया जायेगा। श्री जैन का तर्क है कि प्रार्थी श्रमिक अशरफ अली स्वेच्छयापूर्वक दिनांक 13-2-86 से 21-5-86 तक कोई भी कारण बताये बिना अनुपस्थित रहा है और अप्रार्थीगण ने प्रार्थी श्रमिक के इस प्रकार अनुपस्थित रहने के व्यवहार को अत्यन्त ही आपत्तिजनक एवं गम्भीर माना है जिसके लिए अनुशासनिक प्राधिकारी ने उसे अनिवार्य सेवानिवृत्ति के दण्ड से सही प्रकार से दण्डित किया है। श्री जैन की यह भी दलील है कि अपील अधिकारी ने भी अपने आदेश दिनांक 22-11-88 द्वारा अनुशासनिक प्राधिकारी के दण्डादेश दिनांकित 12-6-87 को सही माना है और प्रार्थी की अपील खारिज की है। यही नहीं, प्रार्थी की दया-याचिका भी दि. सित. अक्तू. 15, 1991 को खारिज की गयी है। प्रार्थी श्रमिक के विरुद्ध लगाये गये आरोप सन्देह से परे साबित हैं तथा जाँच अधिकारी ने प्रार्थी श्रमिक को आरोपों में दोषी पाये जाने पर अपनी फाईण्डिंग दी है।

11. अप्रार्थीगण नियोजक के विद्वान प्रतिनिधि श्री पी.के. जैन ने जवाब के पैरा 13 से यह कथन किया है कि माननीय उच्चतम न्यायालय ने अनिवार्य सेवानिवृत्ति के आदेश को दण्ड नहीं माना है और इसे सेवाभिलेख पर कोई दाग भी लगाना स्वीकार नहीं किया है। श्री जैन ने बहस के दौरान भेरे समक्ष यह तर्क भी प्रस्तुत किया है। उन्होंने युक्ति प्रकट की है कि प्रार्थी के आचरण की गम्भीरता को दृष्टि में रखते हुए उसे अनिवार्य सेवानिवृत्ति से सही रूप में दण्डित किया गया है और प्रार्थी का स्टेटमेन्ट ऑफ क्लेम खारिज किये जाने योग्य है जिसे खारिज किया जावे।

12. उपर्युक्त तर्कों के अतिरिक्त, दोनों पक्षों के विद्वान प्रतिनिधिगण ने भेरे समक्ष उन बिन्दुओं को भी बहस में उठाया है जिनका कि उल्लेख उनके द्वारा अपने-अपने अभ्यावेदनों में किया गया है।

13. प्रार्थी श्रमिक ने स्टेटमेन्ट ऑफ क्लेम के पैरा 7 में यह अभिव्यक्ति किया है कि दिनांक 9-7-87 को इस प्रकार प्रबन्धकगण ने कामगार के ऊपर एक प्राकृतिक दबाव बनाते हुए दौरान इन्क्वायरी नियम के विरुद्ध तरीके से कामगार को बिना समस्त स्पष्ट तथ्यों को समझाये, कामगार को लुभावने आश्वासन देते हुए एवं उसके विरुद्ध कोई भी अनुशासनात्मक गम्भीर कार्यवाही नहीं करने की मौखिक बातें कहते हुए इन्क्वायरी ऑफिसर के समक्ष लगाये गये आरोपों की स्वीकृति बिना सहमति के कर वाली गयी जिस पर इन्क्वायरी ऑफिसर ने अपनी रिपोर्ट दिनांक 1-4-87 में यह कहते हुए डिसिपलिनरी अर्थॉरिटी को सिफारिश की कि कामगार के प्रति सहानुभूतिपूर्ण विचार किया जावे क्योंकि कामगार अशरफ अली दौरान इन्क्वायरी की कन्डीशन मानसिक रूप से स्वस्थ नहीं है एवं उसका जाँच के प्रति सहयोग सराहनीय रहा है।" प्रार्थी श्रमिक ने स्टेटमेन्ट ऑफ क्लेम में

किये गये इस कथन की सम्पुष्टि शपथ पर दिये गये अपने बयानों में भी की है। प्रतिरक्षा में भी इस साक्षी ने यह स्वीकार किया है कि "मुझे आश्वासन दिया गया था कि तुम्हारे खिलाफ कोई कार्यवाही सख्त नहीं की जायेगी जो आश्वासन जाँच अधिकारी गोयल सा. द्वारा दिया गया था।" अप्रार्थीगण ने जवाब में प्रार्थी के इस तथ्य का खण्डन किया है। किन्तु यह खण्डन मात्र मौखिक खण्डन है और प्रार्थी के इस कथन को खण्डित करने के लिए उसने हस्तगत मामले के महत्वपूर्ण एवं सुसंगत साक्षी श्री ओ.पी. गोयल को साक्ष्य में पेश नहीं किया है। उल्लेखनीय है कि विभागीय जाँच की सम्पूर्ण कार्यवाही श्री ओ.पी. गोयल जाँच अधिकारी द्वारा सम्पादित की गयी थी और प्रार्थी श्रमिक ने शपथ यह बयान किया है कि श्री गोयल ने उसे यह आश्वासन दिया था कि उसके विरुद्ध सख्त कार्यवाही नहीं की जायेगी। ऐसी स्थिति में श्री ओ.पी. गोयल जाँच अधिकारी ही एक ऐसा उपयुक्त एवं महत्वपूर्ण साक्षी हो सकता था जो न्यायाधिकरण में उपस्थित होकर शपथ पर प्रार्थी श्रमिक की साक्ष्य का खण्डन करता, किन्तु अप्रार्थीगण द्वारा श्री ओ.पी. गोयल को प्रार्थी के कथन को खण्डन करने हेतु पेश नहीं किया गया है। चूंकि प्रार्थी श्रमिक का इस सम्बन्ध में दिया गया बयान अविचलित एवं अखण्डित रहा है, अतः उपर्युक्त विवेचन के परिप्रेक्ष्य में प्रार्थी श्रमिक अशरफ अली के इस कथन को कि जाँच अधिकारी ने उसके साथ नरमी का दृष्टिकोण अपनाने का आश्वासन दिया था, पर विश्वास न किये जाने का अभिलेख पर कोई कारण नहीं है। मेरी सम्मति में प्रार्थी श्रमिक का यह कथन पूर्णरूपेण विश्वास किये जाने योग्य है।

13. अब हम, जाँच अधिकारी की रिपोर्ट दिनांकित 1-4-87 पर विचार करते हैं। जाँच अधिकारी की रिपोर्ट प्रदर्श एम. 9 के अवलोकन से यह पाया जाता है कि विभागीय जाँच के दौरान दिनांक 9-3-87 को जाँच अधिकारी द्वारा आरोप प्रार्थी श्रमिक को पढ़कर सुनाये एवं समझाये गये थे और जाँच अधिकारी के अनुसार प्रार्थी श्रमिक अवचारी अधिकारी ने इन आरोपों को सही होना स्वीकार कर लिया था। प्रार्थी श्रमिक अशरफ अली की आरोपों की इस स्वीकारोक्ति के उपरान्त जाँच का समापन कर दिया गया था और प्रार्थी श्रमिक के विरुद्ध सहानुभूतिपूर्वक विचार करने की सिफारिश के साथ जाँच रिपोर्ट दिनांकित 1-4-87 अनुशासनिक प्राधिकारी को आवश्यक कार्यवाही हेतु प्रेषित कर दी थी।

14. यहां यह उल्लेख किया जाना आवश्यक है कि प्रार्थी श्रमिक द्वारा आरोपों की स्वीकारोक्ति न्यायाधिकरण के समक्ष अप्रार्थीगण द्वारा प्रस्तुत नहीं की गयी है। प्रार्थी श्रमिक द्वारा आरोपों को स्वीकार किये जाने का उल्लेख केवल जाँच अधिकारी की दि. 1-4-87 की रिपोर्ट में किया गया है। प्रार्थी श्रमिक ने इन आरोपों की स्वीकारोक्ति किन शब्दों में की है, साबित नहीं है? प्रार्थी श्रमिक ने यह स्वीकारोक्ति सशर्त की थी या बिना किसी शर्त के की थी, यह भी साबित नहीं है। क्या प्रार्थी श्रमिक ने स्वीकारोक्ति में इस बात का उल्लेख किया था कि जाँच अधिकारी ने उसके साथ सहानुभूतिपूर्वक विचार करने का आश्वासन दिया है, इसलिए वह आरोपों को स्वीकार कर रहा है, या उसने ये आरोप स्वतंत्र रूप से स्वेच्छया स्वीकार किये थे, यह भी स्वीकारोक्ति के अभाव में स्पष्ट नहीं हो रहा है। अप्रार्थीगण ने जाँच की कार्यवाही से सम्बन्धित समस्त सुसंगत कागजात को न्यायाधिकरण में पेश नहीं किया है और केवल जाँच अधिकारी की रिपोर्ट दिनांकित 1-4-87 को ही न्यायाधिकरण में प्रस्तुत किया है जिससे जाँच कार्यवाही की स्पष्ट तस्वीर प्रकट नहीं होती।

15. जॉच अधिकारी ने अपनी रिपोर्ट के पैरा 1-3-2 में इस तथ्य का भी उल्लेख किया है कि प्रार्थी श्रमिक अशरफ अली की स्वयं की बीमारी एवं उसके परिवार की अपरिवर्तनीय दशा के कारण वह मानसिक रूप से अव्यवस्थित है और इस मानसिक अव्यवस्थित मनोरोग का उपचार भी वर्तमान में चल रहा है। जॉच अधिकारी की इस टिप्पणी से यह भी साबित है कि दिनांक 9-3-87 को, जब तक की प्रार्थी श्रमिक द्वारा आरोपों को सही होना स्वीकार करना बताया गया है, उसकी मानसिक स्थिति संतुलित नहीं थी। वह स्वयं की बीमारी एवं परिवार की विपरीत एवं अपरिवर्तनीय परिस्थिति के कारण मानसिक रूप से अस्तव्यस्त एवं अव्यवस्थित था। अतः उस समय की प्रार्थी श्रमिक की मानसिक स्थिति के बारे में केवल कल्पना ही की जा सकती है और केवल विचार ही किया जा सकता है कि वह आरोपों को सही रूप से समझने की स्थिति में भी था अथवा नहीं और यदि उसने आरोपों को सही होना स्वीकार भी किया था तो क्या यह स्वीकारोक्ति उसकी स्वतंत्र एवं स्वेच्छया थी एवं सही मानसिक स्थिति में दी गयी थी ? मेरी दृढ़ सम्मति में स्वयं की बीमारी एवं पारिवारिक अपरिवर्तनीय स्थिति के कारण, विशेष रूप से जबकि प्रार्थी श्रमिक मानसिक रोग से उत्पीड़ित हो और उसका चिकित्सकों द्वारा उपचार किया जा रहा हो और जॉच अधिकारी स्वयं ने इसे सही होना स्वीकार किया हो तो ऐसी स्थिति में प्रार्थी श्रमिक द्वारा आरोपों की स्वीकारोक्ति किसी भी परिस्थिति में स्वतंत्र एवं स्वेच्छया नहीं कही जा सकती। इस पृष्ठभूमि में श्री ओ.पी. गोयल, जॉच अधिकारी की साक्ष्य और भी अधिक महत्वपूर्ण हो जाती है। अप्रार्थीगण ने निर्विवाद रूप से महत्वपूर्ण साक्षी को न्यायाधिकरण में पेश नहीं किया है और श्री ओ.पी. गोयल की साक्ष्य के अभाव में प्रार्थी श्रमिक अशरफ अली की साक्ष्य ही विश्वसनीय होना पायी जाती है।

16. जॉच रिपोर्ट दिनांकित 1-4-87 प्रदर्श एम. 9 के अवलोकन से जो एक और महत्वपूर्ण तथ्य उभरकर हमारे समक्ष आया है, वह यह है कि जॉच अधिकारी ने प्रार्थी श्रमिक की आरोपों की स्वीकारोक्ति के आधार पर, प्रार्थी श्रमिक को आरोपों का दोषी पाया है, किन्तु उसने ना तो जॉच रिपोर्ट में आरोपों का उल्लेख किया है और ना ही प्रारम्भिक जॉच के दौरान एकत्रित की गयी साक्ष्य के आधार पर अपनी कोई फाईण्डिंग ही अभिलिखित की है। न्यायदृष्टांत "1990 (1) एसएलआर के पृष्ठ 325 पर प्रकाशित जी. शिवाप्रसाद राव बनाम बैंक आफ इण्डिया एवं अन्य" के मामले में माननीय आन्ध्रप्रदेश उच्च न्यायालय ने यह सम्प्रेक्षण किया है कि जॉच अधिकारी के लिए यह आवश्यक है कि वह प्रत्येक आरोप के सम्बन्ध में, जोकि अवचारी-कर्मचारी के विरुद्ध लगाये गये हैं, अपनी फाईण्डिंग रिकार्ड करे और इसके उपरान्त यदि आरोप साबित होना पाये जाते हैं तो अवचारी-कर्मचारी को दोषी पाये जाने पर दोषी घोषित करे। इस मामले में भी अवचारी कर्मचारी ने आरोपों को सही होना स्वीकार किया था और इस अवचारी कर्मचारी ने इस आश्वासन पर आरोपों को सही होना स्वीकार किया था कि उसे या तो दोषमुक्त कर दिया जाएगा अथवा उस पर लघु शास्ति अधिरोपित की जाएगी। इस मामले में भी जॉच अधिकारी ने अवचारी कर्मचारी द्वारा आरोपों की स्वीकारोक्ति के आधार पर उसे आरोपों में दोषी पाया था, किन्तु किसी भी एक भी आरोप के सम्बन्ध में अभिलेख पर ग्राह्य साक्ष्य के आधार पर उसे दोषी पाये जाने की फाईण्डिंग नहीं निकाली थी। माननीय उच्च न्यायालय ने यह भी सम्प्रेक्षण किया है कि यदि अवचारी कर्मचारी ने बिना किसी शर्त के भी आरोपों को सही होना स्वीकार किया है

तो भी जॉच अधिकारी का यह पावन कर्तव्य है कि वह प्रत्येक आरोप के सम्बन्ध में अपनी फाईण्डिंग रिकार्ड करे और उसके उपरान्त ही दोषी पाये जाने पर उस अवचारी कर्मचारी को आरोपों में दोषी होना घोषित करे। हस्तगत मामले के तथ्य भी ठीक उपर्युक्त उद्धृत जी. शिवाप्रसाद राव के मामले के तथ्यों के अनुरूप है। हस्तगत मामले में भी प्रार्थी श्रमिक अशरफ अली का शपथ पर दिया गया यही कथन है कि जॉच अधिकारी द्वारा उसे यह आश्वासन दिया गया था कि यदि वह आरोपों को सही होना स्वीकार कर लेगा तो उसके साथ दण्ड के सम्बन्ध में नरमी का दृष्टिकोण अपनाया जाएगा और इसी आश्वासन के आधार पर उसने आरोपों को सही होना स्वीकार किया था। जॉच अधिकारी ने ना तो अपनी कोई फाईण्डिंग ही रिकार्ड की है और ना ही प्रार्थी श्रमिक को उसके विरुद्ध विरचित आरोपों में दोषी पाये जाने के कारणों का ही उल्लेख किया है, अतः जॉच अधिकारी के दि. 1-4-87 की जॉच रिपोर्ट से पूर्णरूपेण स्पष्ट है कि जॉच अधिकारी ने प्रार्थी श्रमिक के विरुद्ध जॉच अत्यन्त ही यांत्रिक (Perfunctory) अर्थात् औपचारिक अर्थात् सतही तरीके से की है और जॉच हेतु प्रतिपादित न्याय के नैसर्गिक सिद्धांतों का अनुसरण नहीं किया है। विभागीय जॉच कार्यवाही मात्र औपचारिक कार्यवाही नहीं है, अपितु विभागीय-जॉच की कार्यवाही अत्यन्त ही गम्भीर प्रकृति की होती है जिसके अन्तर्गत अवचारी कर्मचारी को स्वयं को निर्दोष साबित करने हेतु बचाव में साक्ष्य प्रस्तुत करने का अवसर दिया जाना ना केवल आवश्यक है, अपितु अवचारी कर्मचारी का यह एक सुरक्षित अधिकार भी है। श्री ओ.पी. गोयल जॉच अधिकारी ने प्रार्थी श्रमिक के विरुद्ध इस प्रकार औपचारिक एवं सतही कार्यवाही कर प्रार्थी श्रमिक अशरफ अली को अपने बचाव में साक्ष्य प्रस्तुत करने के अधिकार से वंचित रखा है और केवल यह लिखकर कि अवचारी अधिकारी ने आरोपों को स्वीकार कर लिया है, अपनी जॉच रिपोर्ट अनुशासनिक प्राधिकारी को प्रेषित कर दी। अनुशासनिक प्राधिकारी ने अपने आदेश दिनांकित 12-6-87 में यह उल्लेख किया कि वह जॉच अधिकारी की फाईण्डिंग से पूर्णरूपेण सहमत है और यह निष्कर्ष निकाला कि प्रार्थी श्रमिक अशरफ अली के विरुद्ध लगाये गये आरोप सही साबित हैं। मेरी दृष्टि में श्री जी.वी. नाडकर्णी, मुख्य अधीक्षक द्वारा पारित किया गया आदेश दिनांकित 12-6-87 भी अन्यमनस्क (Perfunctory) एवं प्रमादवश पारित किया गया प्रतीत होता है। उसने अपने आदेश में लिखा है कि वह जॉच अधिकारी की फाईण्डिंग से सहमत है, जबकि जॉच अधिकारी द्वारा वस्तुतः कोई फाईण्डिंग दी ही नहीं गयी है। उसके द्वारा यह निष्कर्ष निकालने का कि अशरफ अली के विरुद्ध लगाये गये आरोप साबित हैं, का भी अभिलेख पर कोई आधार नहीं है और न्याय के नैसर्गिक सिद्धांतों को तथा नियमों व कानून को ताक पर रखकर प्रार्थी श्रमिक अशरफ अली के विरुद्ध अभिलेख पर कोई साक्ष्य एवं आधार नहीं होने के बावजूद भी उसे अनिवार्य सेवानिवृत्ति के दण्ड से दण्डित कर दिया है जो पूर्णरूपेण अवैध एवं अनुचित आदेश है और मेरी दृढ़ सम्मति में अनुशासनिक प्राधिकारी का यह आदेश प्रथमदृष्ट्या ही निरस्त किये जाने योग्य है।

17. अप्रार्थीगण नियोजक की ओर से स्टेटमेन्ट आफ क्लेम के जवाब के प्रथम पैरा में ही यह अभिकथित किया गया है कि प्रार्थी अशरफ अली "देर से आने का आदी था और अधिकतर कार्य से अनुपस्थित रहता था तथा उसकी उपस्थिति कभी भी संतोषप्रद नहीं रही।" किन्तु अप्रार्थीगण की ओर से इस सम्बन्ध में लेश मात्र भी साक्ष्य प्रस्तुत नहीं की गयी है। अप्रार्थीगण

की ओर से ऐसा कोई ज्ञापन अथवा नोटिस अथवा आरोप-पत्र प्रस्तुत नहीं किया गया है जिससे यह परिलक्षित होता हो कि अप्रार्थी नियोजक सं. 2 द्वारा प्रार्थी श्रमिक को अनुपस्थित रहने के सम्बन्ध में अथवा देरी से आने का आदी होने के सम्बन्ध में उसे कोई नोटिस या ज्ञापन दिया गया हो, ना ही ऐसे किसी आदेश की प्रति प्रस्तुत की गयी है जिससे यह ज्ञात होता हो कि अप्रार्थी नियोजक सं. 2 द्वारा कभी प्रार्थी श्रमिक को देरी से आने का आदी होने के आरोप में अथवा कार्य से अनुपस्थित रहने के आरोप में दण्डित किया गया हो। केवल मात्र जवाब में ऐसे वाक्यों का प्रयोग कर देने से यह तथ्य साबित नहीं हो जाता है कि प्रार्थी श्रमिक देरी से आने का आदी था और वह अधिकतर कार्य से अनुपस्थित रहता था।

18. दिनांक 13-2-86 से 21-5-86 तक अनुपस्थित रहने के सम्बन्ध में भी प्रार्थी श्रमिक द्वारा चिकित्सा प्रमाण-पत्र अप्रार्थी नियोजक सं. 2 को प्रस्तुत किया गया था, किन्तु उसके इस चिकित्सा प्रमाण-पत्र पर इसलिए विचार नहीं किया गया क्योंकि प्रार्थी श्रमिक ने इसके साथ अवकाश पर रहने का कोई प्रार्थना-पत्र प्रस्तुत नहीं किया था। यदि अप्रार्थी नियोजक इतना सच्चा, ईमानदार एवं स्वच्छ था तो वह प्रार्थी श्रमिक से प्रार्थना-पत्र भी कहकर प्राप्त कर सकता था। उसे यह सुझाव दिया जा सकता था कि उसने चिकित्सा प्रमाण-पत्र तो प्रस्तुत कर दिया है और यदि वह प्रार्थना-पत्र भी प्रस्तुत कर दे तो इस पर विचार किया जा सकता है, किन्तु अप्रार्थी नियोजक की ओर से ऐसा कोई प्रयास किया जाना नहीं पाया जाता। अप्रार्थी नियोजक का यह भी कथन है कि श्री के. राजन, सुसुअ. द्वारा प्रार्थी श्रमिक पर ज्ञापन की तामील करवायी गयी थी, किन्तु प्रार्थी ने उसे लेने से इन्कार कर दिया था। अप्रार्थी नियोजक ने श्री के. राजन को भी न्यायाधिकरण में पेश नहीं किया है। अतः अप्रार्थी नियोजक का यह कथन भी स्वीकार किये जाने योग्य नहीं है कि प्रार्थी श्रमिक ने चिकित्सा-बोर्ड के समक्ष चिकित्सीय परीक्षण हेतु उपस्थित होने से सम्बन्धित ज्ञापन लेने से इन्कार कर दिया था। इसके सम्बन्ध में प्रार्थी श्रमिक की ओर से श्री पुरुषोत्तम बरीप्रसाद को परीक्षित करवाया गया है और उसने प्रार्थी अशरफअली के कथनों का पूर्णरूपेण समर्थन किया है तथा सशपथ यह बयान दिया है कि मेडिकल-बोर्ड के समक्ष उपस्थित होने के सम्बन्ध में कोई ज्ञापन अप्रार्थी नियोजक द्वारा प्रार्थी को नहीं दिया गया। इस साक्षी का यह कथन भी है कि जाँच के दौरान जाँच अधिकारी ने प्रार्थी को बचाव में अवसर प्रदान नहीं किया और दौरान जाँच ऐसा माहौल बना दिया गया था कि प्रार्थी को न्यूनतम सजा देकर उक्त जाँच में नरमी का रुख लिया जाएगा और इस आश्वासन के आधार पर उससे आरोपों की स्वीकृति प्राप्त कर ली थी।

19. निर्विवाद रूप से ना तो जाँच अधिकारी द्वारा निष्पक्षतापूर्वक जाँच की गयी है एवं ना ही जाँच के दौरान विधि द्वारा सुस्थापित नियमों एवं न्याय के नैसर्गिक सिद्धांतों का अनुपालन किया गया है। इसी प्रकार अनुशासनिक प्राधिकारी द्वारा भी न्याय के सुस्थापित सिद्धांतों को ताक में रखकर जाँच अधिकारी की फाइण्डिंग के पूर्ण अभाव में यह निष्कर्ष निकाल लिया गया कि प्रार्थी श्रमिक के विरुद्ध लगाये गये आरोप पूर्णरूपेण साबित हैं, जबकि ना तो उसके द्वारा दोषसिद्धी के कारणों को उल्लेखित किया गया है एवं ना ही सारवान दस्तावेजात एवं अन्य साक्ष्य पर विचार करना बताया गया है। प्रार्थी श्रमिक अशरफअली के दुर्भाग्य का अन्त यहीं समाप्त नहीं होता उसने अनुशासनिक प्राधिकारी के आदेश के विरुद्ध अपील प्रस्तुत की, इसके उपरान्त उसने दया की भिक्षा भी मांगी, किन्तु अपीलाधिकारी ने

भी सतही तौर पर विचार कर प्रार्थी की अपील को खारिज कर दिया और अन्त में भारत सरकार के अवर सचिव ने अपने आदेश दिनांकित सित./ अक्टू. 15, 1991 द्वारा दया-याचिका को भी खारिज कर दिया।

20. अब अन्तिम प्रश्न जिसका हमें विनिश्चयन करना है, वह यह है कि क्या अनुशासनिक प्राधिकारी द्वारा अपने आदेश दिनांकित 12-6-87 द्वारा प्रार्थी श्रमिक अशरफअली पर अनिवार्य सेवानिवृत्ति का जो दण्ड अधिरोपित किया गया है, वह प्रार्थी श्रमिक पर लगाये गये आरोपों की गम्भीरता के समानुपातिक है? इस सम्बन्ध में प्रार्थी श्रमिक के विद्वान प्रतिनिधि श्री सतीश पचौरी का तर्क है कि अप्रार्थीगण नियोजक द्वारा प्रार्थी श्रमिक को आरोपों की गम्भीरता के अनुपात से अत्यधिक अनिवार्य सेवानिवृत्ति का कठोर दण्ड दिया गया है जो पूर्णरूपेण अनुचित है। चूंकि प्रार्थी श्रमिक, ट्रेड यूनियन का सदस्य रहा है, अतः उसे नुकसान पहुँचाने के लिए उसे अनिवार्य सेवानिवृत्ति के दण्ड से दण्डित कर उसका शोषण किया गया है और अप्रार्थीगण नियोजक द्वारा अधिरोपित अनिवार्य सेवानिवृत्ति का यह कठोर दण्ड न्यायहित में अपास्त किये जाने योग्य है। उन्होंने अपने इस तर्क के समर्थन में न्यायदृष्टांत "1982 (45) एफ.एल.आर. (एस.सी.) 432, 1996 (1) एसएलआर (एससी) 229, 1998 (1) एसएलआर (एससी) 618 एवं 1999 डब्ल्यू.एल.सी. (राज.) यू.सी. 742" आदि उद्धृत किये हैं।

21. इसके प्रत्युत्तर के अप्रार्थीगण नियोजक के विद्वान प्रतिनिधि श्री वी.के. जैन का तर्क है कि अनुशासनिक प्राधिकारी ने अनिवार्य-सेवानिवृत्ति का जो दण्ड दिया है वह प्रार्थी श्रमिक पर लगाये गये आरोपों की गम्भीरता के अनुरूप है और ना केवल अनुशासनिक-प्राधिकारी, अपितु अपील अधिकारी एवं भारत सरकार के अवर सचिव ने भी अनुशासनिक प्राधिकारी द्वारा दिये गये दण्ड को उचित एवं न्यायसम्मत माना है।

22. जैसा कि हम पूर्व में विवेचन कर चुके हैं, अप्रार्थीगण नियोजक यह साबित करने में पूर्णरूपेण असफल रहा है कि प्रार्थी श्रमिक अशरफअली देरी से आने का आदी था और वह अधिकतर कार्य से अनुपस्थित रहता था। दिनांक 13-2-86 से 21-5-86 के मध्य अनुपस्थित रहने के सम्बन्ध में भी प्रार्थी श्रमिक द्वारा स्वयं की बीमारी का चिकित्सा प्रमाण-पत्र प्रस्तुत किया गया है, किन्तु अप्रार्थी नियोजक संख्या 2 ने उसके इस प्रमाण-पत्र पर इस कारण विचार नहीं किया क्योंकि प्रार्थी श्रमिक द्वारा अवकाश का प्रार्थना-पत्र प्रस्तुत नहीं किया गया था।

23. न्यायदृष्टांत "1982 (45) एफ.एल.आर. के पृष्ठ 432 पर प्रकाशित रमाकान्त मिश्रा बनाम उत्तर प्रदेश राज्य एवं अन्य" के मामले में माननीय उच्चतम न्यायालय ने यह अभिनिर्णित किया है कि श्रमिक द्वारा गंदी-गंदी गाली देने के दुराचरण के आरोप में प्रार्थी श्रमिक को सेवा से निष्कासित किये जाने का जो दण्ड अधिरोपित किया गया है, वह निर्विवाद रूप से अपराध की गम्भीरता के अनुरूप नहीं है और अपास्त किये जाने योग्य है। इस मामले में माननीय उच्चतम न्यायालय ने श्रमिक की दो वार्षिक वेतन वृद्धियां रोककर उसे पुनः सेवा में बहाल करने का आदेश पारित किया था।

24. विधिशास्त्र का यह सुस्थापित सिद्धांत है कि अवचारी-कर्मचारी द्वारा किये गये दुराचरण की गम्भीरता के अनुरूप ही उस पर दण्ड/शास्ति अधिरोपित किया जाना चाहिए। न्यायदृष्टांत "1996 (1) एसएलआर के पृष्ठ 229 पर प्रकाशित यूनियन आफ इण्डिया बनाम आई.एस. सिंह" का

मामला भी अनाधिकृत रूप से ह्यूटी से अनुपस्थित हो जाने का था और इस मामले में भी अवचारी कर्मचारी को जाँचोपरांत सेवाव्युत्त करने के दण्ड से दण्डित किया गया था। माननीय उच्चतम न्यायालय ने अनाधिकृत रूप से सेवा से अनुपस्थित रहने के दुराचरण के मामले में सेवाव्युत्त किये जाने के दण्ड को अत्यन्त ही कठोर दण्ड माना और इस दण्ड को अपास्त करते हुए अवचारी कर्मचारी को पुनः सेवा में बहाल करने का आदेश पारित किया, किन्तु इस मामले में अवचारी-कर्मचारी को दिनांक 1-6-1980 से 31-8-85 के मध्य की अवधि जिसमें कि उसने कोई कार्य नहीं किया था, के वेतन का भुगतान नहीं दिलाया था।

25. इसी प्रकार न्यायदृष्टांत "1998 (1) एसएलआर के पृष्ठ 618 पर प्रकाशित वित्त मंत्रालय एवं अन्य बनाम एस.बी. रमेश" के मामले में माननीय उच्चतम न्यायालय ने अवचारी कर्मचारी को सेवाव्युत्त किये जाने के दण्ड को पूर्णरूपेण अनुचित माना और इस दण्ड को अपास्त कर दिया। इस मामले में अवचारी कर्मचारी पर यह आरोप था कि उसने आयकर निर्धारण में बहुत सी अनियमितताएँ की थीं और इन अनियमितताओं के लिए उसे आरोप-पत्र देकर विभागीय जाँच प्रारम्भ की गयी थी। मेरी सम्मति में हस्तगत मामले में जो आरोप प्रार्थी श्रमिक के ऊपर लगाये गये हैं, वे इतनी गम्भीर प्रवृत्ति के नहीं हैं, जिसने की गम्भीर प्रवृत्ति के आरोप उपर्युक्त उद्धृत न्यायदृष्टांत के मामले में पाये गये हैं।

26. न्यायदृष्टांत "1999 डबल्यू.एल.सी. (राज.) यू.सी. के पृष्ठ 742 पर प्रकाशित भेरुसिंह बनाम राज. राज्य एवं अन्य" के मामले में माननीय राज. उच्च न्यायालय की एकल पीठ ने यह अभिनिर्णित किया है कि न्यायालय यद्यपि दण्ड के परिमाण में प्रायः हस्तक्षेप नहीं करता, तथापि किसी भी असमानुपात को निराकृत करने हेतु सशक्त है। इस मामले में याची कानिस्टेबल उपस्थिति बोलते समय अपने उच्चाधिकारियों के सामने शराब के नशे में मदमस्ते पाया गया था और उसके विरुद्ध विभागीय जाँच की कार्यवाही कर उसे पदव्युत्ति के दण्ड से दण्डित किया गया था। माननीय राज. उच्च न्यायालय की एकल पीठ ने माननीय उच्चतम न्यायालय के कई महत्वपूर्ण निर्णयों का अवलम्ब लेते हुए यह अभिनिर्णित किया है कि अवचारी कर्मचारी के विरुद्ध निर्विवाद रूप से अत्यन्त ही कठोर एवं आरोप की गम्भीरता को दृष्टि में रखते हुए पूर्णतया असमानुपातिक दण्ड पारित किया गया है। हस्तगत मामले के तथ्य भी उपर्युक्त उद्धृत न्यायदृष्टांतों के मामलों से लगभग मेल खाते हैं। माननीय उच्चतम न्यायालय एवं माननीय राज. उच्च न्यायालय द्वारा उपर्युक्त मामलों में प्रतिपादित सिद्धांतों का अनुसरण करते हुए मेरी भी दृढ़ राय यही है कि प्रार्थी श्रमिक अशरफ अली पर दि. 13-2-86 से 21-5-86 तक अनाधिकृत रूप से अनुपस्थित रहने का जो आरोप लगाया गया है की गम्भीरता को दृष्टि में रखते हुए अनुशासनिक प्राधिकारी द्वारा उसे अनिवार्य सेवानिवृत्ति के दण्ड से जिस प्रकार दण्डित किया गया है, वह मामले के तथ्यों एवं परिस्थितियों में अत्यन्त कठोर दण्ड है और आरोपों की गम्भीरता के समान अनुपात में नहीं है, अर्थात् अनुशासनिक अधिकारी द्वारा प्रार्थी श्रमिक अशरफ अली पर अधिरोपित किया गया दण्ड/शास्ति असमानुपातिक है जिसे न्याय की दृष्टि में किसी भी परिस्थिति में उचित एवं वैध नहीं कहा जा सकता। अन्त में, इस सम्बन्ध में अप्रार्थी नियोजक के विद्वान प्रतिनिधि श्री वी.के. जैन द्वारा जो यह तर्क प्रस्तुत किया गया है कि कर्मचारी की, की गयी अनिवार्य सेवानिवृत्ति कोई दण्ड नहीं है,

विधि के सुस्थापित सिद्धांतानुसार उनका यह तर्क पूर्णरूपेण मिथ्या एवं भ्रामक रहा है जिसे सहज रूप से स्वीकार नहीं किया जा सकता क्योंकि अप्रार्थी नियोजक द्वारा प्रार्थी श्रमिक को विभागीय जाँच में उस पर लगाये गये आरोप सिद्ध पाये जाने पर ही दीर्घ-शास्ति (Major Penalty) के अध्याय में दिये गये दण्ड के प्रकारों में से अनिवार्य सेवानिवृत्ति के दण्ड से उसे दण्डित करने के उद्देश्य से ही दण्डादिष्ट किया गया है। प्रार्थी श्रमिक द्वारा 23-1/2 वर्ष की सेवा पूर्ण करने के उपरान्त दण्डस्वरूप अनिवार्य सेवानिवृत्ति के आदेश को पुरस्कार नहीं कहा जा सकता, यह तो बिना किसी विवाद के दण्ड की ही श्रेणी में आता है। माननीय उच्चतम न्यायालय ने उस अनिवार्य सेवानिवृत्ति को दण्ड नहीं माना है और सेवा पर दाग नहीं माना है जो सेवानिवृत्ति कर्मकार अथवा राजकीय कर्मचारी द्वारा 25 वर्ष की सेवा पूर्ण कर लेने पर अथवा 50 वर्ष की आयु पूर्ण कर लेने (जिसमें अब संशोधन कर दिया गया है) पर प्रबन्धन अथवा सरकार द्वारा कर्मचारी की सेवाएं लोकहित में अनुपयोगी (Dead wood) पाये जाने पर दी जाती हैं।

परिणामतः भारत सरकार के श्रम मंत्रालय द्वारा सम्प्रेषित निर्देश/विवाद का इस प्रकार अधिनिर्णयन किया जाता है कि राजस्थान एटोमिक पावर स्टेशन, रावतभाटा, कोटा/राज./के प्रबन्धन द्वारा अपने कर्मकार प्रार्थी अशरफ अली पर अनिवार्य सेवानिवृत्ति के दण्ड/शास्ति का अधिरोपण पूर्णरूपेण अवैध एवं अनुचित है और प्रार्थी श्रमिक अशरफ अली को अपनी सेवा की निरन्तरता एवं पिछले बकाया सम्पूर्ण वेतन सहित सेवा में बहाल किये जाने का अधिकारी घोषित किया जाता है।

महेश चन्द्र भगवती, न्यायाधीश

नई दिल्ली, 22 जून, 2001

का० आ० 1643.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी. बी. डेम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42011/54/88-डी. II (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1643.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman which was received by the Central Government on 22-6-2001.

[No. L-42011/54/88-D. II(B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT

‘SHRAM SADAN’, III MAIN, III CROSS, II PHASE,
TUMKUR ROAD, YESHWANTHPUR,
BANGALORE

Dated : 13th June, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT, BANGALORE

C.R. No. 33/89

I PARTY

The Secretary,
Tungabhadra Dam,
Hospet Taluk,
Bellary District.
(Advocate—
Shri B. G. Sridharan)

II PARTY

The General Secretary,
Thungabhadra Board Factory
Works and Civil Employees
Union, T.B. Dam, Hospet Taluk,
Bellary
(Advocate Shri A. K. Bhat)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42011/54/88-D. II (B) dated 19-4-1989 for adjudication on the following schedule :

SCHEDULE

—“Whether the action of the Tungabhadra Board, T.B. Dam, Hospet Taluk, Bellary District in not extending the pensionary benefit to the workcharged establishment who retired/died between 1-7-1978 to 31-3-1987 after putting in 10 years of service is justified? If not, to what relief the workmen concerned are entitled to?”

2. The first party workman was working with the Second Party has not extended the pensionary benefit to the work charged establishment who retired/died between 1-7-1978 to 31-3-1987 after putting in 10 years of service therefore dispute is raised.

3. First party union filed Claim Statement.

4. The case of the First Party Union is as follows :

5. Tungabhadra Board is established by virtue of the provisions contained in the Andhra State Act of 1953 and a few thousands of workmen are employed. It is the further case of the first party that as a matter of fact even before the State Governments of the then Mysore State and Andhra Pradesh had come out with the idea of extending the pensionary benefits referred to the Second Party Board had decided to extend the Mysore Rules and conditions of Service to the workcharged establishment working under the Board. The

main grievance of the first party is that the Government has failed to give pensionary benefits and the action of the management is not correct. A lengthy Claim Statement is filed narrating the history of the Board.

6. Denial of pensionary benefits to such of the work charged workmen who had either died or had retired prior to the date of extension of the Scheme, would tantamount denial of the very purpose of the extension of the pensionary benefits. Therefore first party union has prayed to pass award in its favour.

7. The Second party appeared and filed a lengthy objection.

8. The main contention of the Second party is that the Industrial Dispute Act is not applicable to the Second Party Management. The maintenance of Dam and Canal work is mainly done through contractors. I have carefully seen the lengthy objections and it is clear that the objections are in respect of non maintainability of the dispute. In respect of work charged establishment of State Government who were absorbed in provincial service did not arise. However the Board took a magnanimous view and extended the benefit from 1-4-87 even though the worker remained under workcharged establishment and were not provincialised. Therefore it is not correct in the part of the first party to quote the Government Order dated 7-1-80 and demand pensionary benefits to workcharged establishment without any absorption. Government also did not extend the benefit to those who retired or died before 1-4-78 but before the issue of absorption orders subsequent to the issue of orders on 7-1-80. Therefore the demand of extending the benefit to those who retired or died before 1-4-87 has no legal basis as the pensionary benefit were made applicable only with effect from 1-4-87. The Second party has prayed to reject the reference.

9. It is seen from the records that Shri A.M. Pushparaj, WW1, is examined for the first party. He is the Joint Secretary. He has given evidence saying that the union had made demand for regularisation of the workmen. His uncompleted evidence is not sufficient to prove anything. It was argued by the learned counsel for the management that Gratuity is paid to the first party workmen and the pensionary benefits were given as per the circular w.e.f. 1-4-1987 and pensionary benefits is not given to the workcharged workmen who retired or died prior to 1-4-87.

10. I have carefully perused the circular and I am of the opinion that the first party workman is not entitled for pensionary benefits and there is no merit in this reference. Accordingly I proceed to pass the following order :

ORDER

The reference is rejected

(Dictated to PA transcribed by her corrected and signed by me on 13th June 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1644.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल स्टेशन फोरेज प्रोडक्शन एण्ड डेमोन्स्ट्रेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42011/71/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1644.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Station Forage Production and Demonstration and their workman which was received by the Central Government on 22-6-2001.

[No. L-42011/71/99-I.R. (D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

Case No. CGIT—10/2000

Reference No : L-42011/71/99/IR(DU) dt. 27/1/2000

General Secretary,

Bikaner Division Trade Union Council,

1, Khajanchi Building,

Bikaner.

..... Applicant

V/s

The Director,

Regional Station Forage Production and Demonstration,

Suratgarh,

Sri Ganganagar.

..... Non-applicant

ATTENDANCE :—

For the applicant : None

For the non-applicant : None

Date of Award : 30/5/2001

AWARD

The following dispute vide order mentioned above has been referred by the Central Government under clause (d) of

sub-section (1) and sub-section 2(A) of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

SCHEDULE

“Whether the action of the Director, Regional Station Forage Production and Demonstration, Distt : Sriganganagar of crediting the 47 days leave for the suspension period which was suo-moto revoked and is not issuing the charge sheet to the employee Sh. Rambilas was justified? If not, to what relief the workman is entitled?”

The applicant filed the statement of claim stating that he was suspended by the non-applicant vide order dt. 16/1/97 on the ground that departmental enquiry against him is under contemplation under Central Civil Service (Classification, Control and Appeal) Rules, 1965. Vide order dt. 5/3/97 the suspension order was revoked. However, it was decided that suspension period from 17/1/97 to 4/3/97 be treated as regular leave with admissible pay and allowances. It was alleged that the non-applicant has no right to reduce 47 days leave from his leave account. It was prayed that it may be ordered that 47 days leave may be credited in his leave account.

The non-applicant filed reply to the claim stating that the applicant is the regular employee of the Government of India and, therefore, the CAT has jurisdiction to hear the dispute. The Tribunal has no jurisdiction to hear the dispute. It was stated that it was agreed in between the applicant, the President of Union and the non-applicant that instead of proceeding further against the applicant, 47 days leave may be deducted from the account of the applicant. It was also agreed that the applicant will not challenge the agreement in the court. It was also stated that the order dt. 5/3/97 vide which the period of suspension from 7/1/97 to 4/3/97 was ordered to be treated as regular leave has been withdrawn vide order dt. 10/5/2000.

Both the parties have not produced any evidence. As the order dt. 5/3/97 vide which the suspension period was treated as regular leave has been withdrawn, no dispute exists between the parties and that is why none of the parties has appeared today and no evidence has been produced. No dispute award, therefore, is passed.

The copies of the award may be sent to the Central Government under Section 17(1) of the Act, 1947 for publication.

Sd/-

Illegible,

Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1645.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्केलॉजिकल सर्वे

ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/52/90-आई आर. (सी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1645.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman which was received by the Central Government on 22-6-2001.

[No. L-42012/52/90-I.R. (D. U.)

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT

'SHRAM SADAN', IIIMAIN, IICROSS, IIPHASE,
TUMKUR ROAD, YESHWANTHPUR,
BANGALORE

Dated : 30th May, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,
PRESIDING OFFICER

C.R. No. 71/90

I PARTY

II PARTY

Shri U. Nagendrappa,
C/o A. Venkatesha,
Behind Church, 7th Ward,
Kamalapura-583221
Advocate—
Shri Basavraj V. Sabarad

The Superintending Archaeologist,
A.S.I Bangalore Circle,
4th T Block, Jayanagar,
Bangalore-560041
2. The Deputy Superintending
Archaeologist, Hampi National
Project, Kamalapura-583221
Advocate-Shri J.M. Riazudin

AWARD

1 The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/52/90-IR (DU) dated 30-11-1990 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Archeological Survey
of India, Bangalore Circle, Bangalore in terminating

the services of Sri U. Nagendrappa, Ex-Site Supervisor is justified ? If not, to what relief the workman is entitled to ?"

2. First party was appointed as Site Supervisor w.e.f. 10-1-1986. He was terminated illegally by the second party so dispute was raised.

3. First party appeared and filed Claim Statement. The case of the first party in brief is as under :

4. First party was appointed as Site Supervisor w.e.f. 10-1-86. His name was found in Muster Roll. He was illegally terminated on 31-3-1989. The action of the management is illegal. There was no valid reason for his termination nor did the 2nd party observe the mandatory procedure prescribed by law pertaining to retrenchment. The first party has prayed to pass award in his favour.

5. Second party appeared and filed Counter. The case of the Second party in brief is as follows :

6. The case of the second party is that the reference is not maintainable. Parawise replies are given. The work was not permanent. There is no post like Site Supervisor and the action of the management is correct. The continuation of workmen depends only on the necessity of work. The second party for these reasons and for some other reasons has prayed to reject the reference.

7. It is seen from the records that this workman Nagendrappa and another workman Siddappa have raised two separate disputes and that dispute is CR. No. 75/90. I have referred this because Siddappa, the workman of CR No. 75/90 has given evidence in this dispute

8. The evidence of Siddappa is that he is a Graduate in Economics and Nagendrappa also a Graduate in History. He was given work at Hampi on 14-11-84 and Nagendrappa was given work in January 1986. He was Site Supervisor, Muster Roll was maintained and attendance was taken. He worked continuously 14-11-84 to 31-3-89 and Nagendrappa also worked till 1989. He get wages at Rs. 20/- per day and it was raised to Rs. 40/-. He was removed from service with effect from 31-3-1989. The Tribunal in CR No. 74/90 has passed as Award for reinstatement and backwages to one H.P. Chennaiah. He is cross examined at length but in my opinion nothing is made out from his cross examination to damage the evidence. Against this MW 1, 2, 3 are examined on behalf of the Second Party. MW1 has given evidence and said that he was working at Hampi as Deputy Superintendent. He has given detailed evidence of the work. The excavation work is not a commercial enterprise and it is also not a manufacturing process. He has stated in his cross examination that he does not know what work the workman was doing. He is not aware of the work done by the workman.

9. We are having the evidence of MW2 and according to his evidence the workmen on daily wages to assist in the excavation work is seasonal and not a permanent work. He

says that Muster Roll was maintained to record the attendance and payment of casual employees including Siddappa and Nagendrappa. He says in his cross examination that Muster Rolls are available in the office from 1984 to 1989. It is true that Siddappa has worked as Site Supervisor continuously from 1984 to November 1989. It is also true that Nagendrappa has worked from January 1986 to March 1989 continuously. They have not issued notices to these persons to discontinue the work. It is true from 1985 to 1989 the work was continuous.

10 On going through the above cross examination it is abundantly clear that the first party workman has worked continuously for more than 240 days. There is no reason to discard his evidence.

11. In the instant case Written Arguments are filed on behalf of the Second party. I have carefully read the written arguments in view of the cross examination of MW2 I am of the firm opinion that the workman has worked continuously for more than 240 days and no compensation is paid to the workman. In view of this there is no merit in the Written Argument of the Second Party. I have read the decision cited by the second party and I am of the opinion that facts of the case on hand are quite different from the facts of the above decision.

12. Taking all this into consideration I am of the opinion that the termination is not correct. So I proceed to pass the following order.

ORDER

The reference is answered in favour of the workman holding that the termination is not correct in the eye of law and the same is set aside. In the given circumstances back wages are not given. Other benefit i.e. continuity of service is given. Accordingly award is passed.

(Dictated to PA transcribed by her corrected and signed by me on 30th May, 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का० आ० 1646.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्केलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[नं० एल-42012/54/90-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1646 —In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial

Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archeological Survey of India and their workman which was received by the Central Government on 22-6-2001.

[No. L-42012/54/90-I.R. (D. U.)]

KULDIPRAJ VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT

'SHRAM SADAN', II MAIN, II CROSS, II PHASE,

TUMKUR ROAD, YESHWANTHPUR,

BANGALORE

Dated : 30th May, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,

PRESIDING OFFICER

C.R. No. 75/90

I PARTY

Shri K. Siddappa,
C/o A. Venkatesha,
Behind Church, 7th Ward,
Kamalapur-583221
Advocate--
Shri B. V. Sabarad

II PARTY

1. The Superintending Archaeologist,
A.S.I Bangalore Circle,
4th T Block, Jayanagar,
Bangalore-560041
2. The Deputy Superintending
Archaeologist, Hampi National
Project, Kamalapur-583221
Advocate-Shri J.M. Riazuddin

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/54/90-IR (DU) dated 30th November, 1990 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Archeological Survey of India, Bangalore in terminating the services of Sri K. Siddappa, Ex-Site Supervisor is justified ? If not, to what relief the workman is entitled to ?"

2. The first party was found in the Muster-Roll of the project at Kamalapur and he was working as Site Supervisor from 14-11-1984 at Hampi and he was terminated on 28-3-1989 so Industrial Dispute was raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as under :

5. First party was appointed as Site Supervisor and he was terminated as stated in para 1 of the Claim statement. It was said the second party that the reason of termination was that the work of the project was stopped. The survey work was again started and first party met the second party on 13-8-1989 and requested to take back on duty. He went to work for seven days and thereafter the work was refused. The action of the second party is illegal and arbitrary. He was terminated without following any mandatory requirement of Section 25 C of the Industrial Dispute Act and Principle of last come first go was not followed. The first party for these reasons has prayed to allow the reference.

6. Second party filed Counter. It is contented that the Second party is not an Industry. This explained in para 2 of the Counter. It is further states that first party was engaged on daily wages for a casual nature of work. The allegations made by the first party are not correct and that is replied parawise. The continuation of workmen depends only on the necessity of work. The second party for these reasons and for some other reasons has prayed to reject the reference.

7. It is seen from the records that this workman Siddappa and another workman Nagendrappa have raised two separate disputes and that dispute is CR. No. 71/90. I have referred this because Siddappa, the workman of this dispute has given evidence in CR No. 71/90

8. The evidence of Siddappa has to be read as evidence in this case in CR No. 71/90. His evidence is that he is a Graduate in Economics and Nagendrappa also a Graduate in History. He was given work at Hampi on 14-11-84 and Nagendrappa was given work in January 1986. He was Site Supervisor. Muster Roll was maintained and attendance was taken. He worked continuously 14-11-84 to 31-3-89 and Nagendrappa also worked till 1989. He get wages at Rs. 20/- per day and it was raised to Rs. 40. He was removed from service with effect from 31-3-1989. The tribunal in CR No. 74/90 has passed as Award for reinstatement and backwages to one H.P. Chenniah. He is cross examined at length but in my opinion nothing is made out from his cross examination to damage the evidence. Against this MW1, 2 and 3 are examined on behalf of the Second party. MW1 has given evidence and said that he was working at Hampi as Deputy Superintendent. He has given detailed evidence of the work. The excavation work is not a commercial enterprise and it is also not a manufacturing process. He has stated in his cross examination that he does not know what work the workman was doing. He is not aware of the work done by the workman.

9. We are having the evidence of MW2 and according to his evidence the workmen on daily wages to assist in the excavation work is seasonal and not a permanent work. He says that Muster Roll was maintained to record the attendance and payment of casual employees including Siddappa and

Nagendrappa. He says in his cross examination that Muster Rolls are available in the office from 1984 to 1989. It is true that Siddappa has worked as Site Supervisor continuously from 1984 to November 1989. It is also true that Nagendrappa has worked from January 1986 to March 1989 continuously. They have not issued notices to these persons to discontinue the work. It is true from 1985 to 1989 the work was continuous.

10. On going through the above cross examination it is abundantly clear that the first party workman worked continuously for more than 240 days. There is no reason to discard his evidence.

11. We are also having the evidence of MW3, Veerabhadra Rao, Superintendent. He speaks about the work. He admit that the workman was a Site Supervisor. To a question he says that there is no question of terminating the employment due to casual appointment. This evidence is not signed by my learned predecessor. So this has no evidenced value. With the cross examination of MW2 which I have discussed, it is sufficient that the workmen has worked continuously for more than 240 days. His termination is without complying the mandatory provisions of Section 25 C of the Industrial Dispute Act. It is clear from the records that termination benefits were not given to this workman.

12. Taking all this into consideration I am of the opinion that the termination is not correct. So I proceed to pass the following order :

ORDER

The reference is answered in favour of the workman holding that the termination is not given in the eye of law and the same is set aside. In the given circumstances back wages are not given. Other benefit i.e. continuity of service is given. Accordingly award is passed.

(Dictated to PA transcribed by her corrected and signed by me on 30th May, 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1647.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी. बी. डेम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/57/88-डी. II (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1647.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial

Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T. B. Dam and their workman which was received by the Central Government on 22-6-2001.

[No. L-42012/57/88-D.II(B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT

'SHRAM SADAN', III MAIN, III CROSS, II PHASE,

TUMKUR ROAD, YESHWANTHPUR,

BANGALORE

Dated : 14th June, 2001

PRÉSENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,

BANGALORE

C.R. No. 57/89

I PARTY

President,
Tungabhadra Board,
Factory workers and
Civil Employees Union,
T.B. Dam., Hospet Taluk,
Bellary District.
(Advocate—
Shri A. S. Mallebennur)

II PARTY

The Secretary,
Tungabhadra Board,
T. B. Dam,
Hospet Taluk,
Bellary District
(Advocate Shri A. K. Bhat)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/57/88-D. II (B) dated 3rd August, 1989 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the Tungabhadra Board T.B. Dam, Hospet Taluk, Bellary District in not converting the nine Women workers viz., Smt. Sushilamma, Anandamma, Kamalamma, Govindamma, Jayalakshmi, Ambamma, Dhanalakshmi, Sunkamma, and Sanjeevamma into workcharged establishment with effect from 1-4-87 is justified? If not, to what relief the nine woman workers are entitled to?"

2. The first party was working with the second party and the action of the management in not converting the nine women workers into workcharged establishment with effect from 1-4-87 is illegal and therefore industrial dispute is raised.

3. First party union filed Claim Statement.

4. The case of the first party union is that the second party absorbed 284 daily wage workers into workcharged establishment with effect from 1-4-1987 on monthly pay of Rs. 780 plus D.A in the time scale of Rs. 780-15-900-20-1040 and paid them arrears of salary from 1-4-1987.

5. It is the further case of the first party union that while absorbing such a good number of workers from daily wage into monthly with effect from 1-4-87, the following 9 women workers were absorbed only with effect from dates noted against each in bracket as stated in para 2 of Claim Statement. The action of the management is not correct.

6. It is the further case of the first party union that the first party union that while all workers on daily wages who have completed 5 years of service on 1-4-87 were absorbed as workcharged establishment with effect from 1-4-87 while the unfortunate similarly placed 9 workmen were absorbed at a late date depriving them of the arrears of pay from 1-4-87 to 31-1-1988 and the action of the second party is not correct and it is a gross violation of Article 16(1) of the constitution and amounts to gross discrimination between similarly placed workers.

7. The Second party filed objections and prayed to reject the claim.

8. The main contention of the second party is that the dispute is not maintainable. The dispute raised by the workmen under Industrial Dispute Act is not valid as the Industrial Dispute Act is not applicable to Tungabhadra Board. It is not an Industry. Second party has prayed to reject the reference.

9. I have carefully perused the available records. There is nothing on record to show that the workmen of the first party union are entitled for converting into work charged establishment w.e.f. 1-4-87. There is not an iota of evidence on behalf of the first party to show that there is merit in this reference. Absolutely there is no evidence.

10. Considering all this I proceed to pass the following order:

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 14th June, 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1648.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी. बी.

हैम के प्रबंधन के संवेदन नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/63/88- डी. II (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1648.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman, which was received by the Central Government on 22-6-2001.

[No L-42012/63/88-D II(B)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-cum-LABOUR COURT

'SHRAM SADAN', IIIMAIN, IIICROSS, IIPHASE,

TUMKUR ROAD, YESHWANTHPUR,

BANGALORE

Dated : 13th June, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,

BANGALORE

C.R. No. 46/89

I PARTY

Shri Doda Basappa,
By the General Secretary,
T.B. Board Workers and
Civil Employees Union,
T. B. Dam, Hospet Taluk,
Bellary Dist -583101
(Advocate—
Shri A. B. Malebennur)

II PARTY

The Executive Engineer,
Head Works and High Level
Canal Division,
Tungabhadra Board,
T. B. Dam, Hospet Taluk,
Bellary Dist-583101
(Advocate—Shri A. K. Bhat)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of

the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/63/88-D-II (B) dated 27-7-1989 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Executive Engineer, Head Works and High Level Canal Division, Tungabhadra Board, T.B. Dam, Hospet Taluk, Bellary District in retrenching Shri Dodda Basappa from service w.e.f. 1-7-87 is justified ? If not, to what relief is the workman entitled to ?"

2. The first party workman was working with the second party as Daily Wage workman from 16-11-84 to 30-6-87 for the maintenance work of Canal and he was stopped from the work by the second party. Therefore, industrial dispute is raised.

3. First party appeared and filed Claim Statement.

4. The case of the first party is that he was employed by the second party from 16-11-84 to 30-6-87 for the maintenance of canal work. The Second party stopped the work without any notice. The action of the management is illegal. Therefore, the first party has prayed to pass award in his favour.

5. Second party appeared and filed objections.

6. The Second party appeared and filed objections

7. The case of the Second party in brief is as follows :

8. It is the case of the Second party that at the time of reconciliation the Conciliation Officer has no jurisdiction to consider and to give findings. The dispute raised by the workman under Industrial Dispute Act is not valid as the Industrial Dispute Act is not applicable to Tungabhadra Board. Tungabhadra Board was established by the President of India in the year 1955. The Tungabhadra Board is not an independent autonomous body. Therefore, this tribunal has no jurisdiction.

9. It is the further case of the Second party that the workmen were only engaged as local labourer depending upon the repair works.

10. It is the further case of the second party that while disposing of the Writ Petition filed by one Shri Mahaboob against the board, the High Court of Karnataka has passed order on 9-10-90 to consider the case, if he is eligible in the light of the decision rendered by the Supreme Court in the Dharwad District PWD Literate Daily Wages Employees Association and others Vs. State of Karnataka Etc. (AIR 1990 Sc 883). The workman was engaged as casual labour on daily wages and not a permanent workman. The Second party for these reasons has prayed to reject the reference.

11. It is seen from the records that on behalf of the workman, one witness Shri Dodabasappa was examined. He says that he was working as laskar from 1984. He has given detailed evidence and has said that the work was stopped.

In his cross examination he says that he was not given any appointment order by the second party to work as a laskar. Ex. M1 is the relevant entry for his presence of work. There is no material to say that the workman was appointed regularly by the Second Party. It is clear from the evidence and material that the first party workman was worked only as casual labourer. WW2 is also examined by the Secretary of the Union. His evidence is helped the first party workman to prove that the workman was working as Permanent workman to the Second Party.

12. Considering all this I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 13th June, 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

क.स.अ. 16-49. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी. बी. डैम के प्रबंधकों के संस्थापकों और उन 6 कर्मचारियों के बीच, अनुदान में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारों के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/64/88-डी. II (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1649 —In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman which was received by the Central Government on 22-6-2001.

[No. L-42012/64/88-D. II (B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL -CUM-LABOUR COURT

'SHRAM SADAN', III MAIN, III CROSS, II PHASE,
TUMKUR ROAD, YESHWANTHPUR,
BANGALORE

Dated : 13th June, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,

BANGALORE

C.R. No. 45/89

I PARTY

Shri Omalingam,
C/o. General Secretary,
T.B. Board Workers and
Civil Employees Union,
T. B. Dam, Hospet Taluk,
Bellary Dist.-583101
(Advocate—
Shri A. K. Makebebbur)

II PARTY

The Executive Engineer,
Head Works and High Level
Canal Division,
Tungabhadra Road,
T. B. Dam, Hospet Taluk
Bellary Dist.-583101
(Advocate—Shri A. K. Bhat)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/64/88-D-II (B) dated 24-7-1989 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Executive Engineer, Head Works and High Level Canal Division, Tungabhadra Board, T.B. Dam, Hospet Taluk, Bellary District in retrenching Shri Omalingam from service w.e.f. 1-7-87 is justified ? If not, to what relief is the workman entitled to ?"

2. The first party was working with the Second party on Daily Wages w.e.f. 1-5-85 to 30-6-87. He was stopped from work w.e.f. 1-7-87 by the management so dispute is raised.

3. First party workman appeared and filed Claim Statement.

4. The case of the first party workman in brief is as under :

5. The case of the first party workman is that he was employed by the first party on daily wage workman from 1-5-85 to 30-6-87 and the work was stopped on 1-7-87 without any notice and therefore the action of management is not correct. The conciliation proceedings have failed. The first party workman is unemployed. The first party for these reasons has prayed to pass award in his favour.

6. The Second party appeared and filed objections.

7. The case of the Second party in brief is as follows :

8. It is the case of the second party that at the time of reconciliation the Conciliation Officer has no jurisdiction to

consider and to give findings. The dispute raised by the workman under Industrial Dispute Act is not valid as the Industrial Dispute Act is not applicable to Tungabhadra Board. Tungabhadra Board was established by the President of India in the year 1955. The Tungabhadra Board is not an independent autonomous body. Therefore, this tribunal has no jurisdiction.

9. It is the further case of the Second party that the workmen were only engaged as local labourer depending upon the repair works.

10. It is the further case of the second party that while disposing of the Writ Petition filed by one Shri Mahaboob against the board, the High Court of Karnataka has passed order on 9-10-90 to consider the case, if he is eligible in the light of the decision rendered by the Supreme Court in the Dharwad District PWD Literate Daily Wages Employees Association and others Vs. State of Karnataka Etc. (AIR 1990 SC 883). The workman was engaged as casual labour on daily wages and not a permanent workman. The second party for these reasons has prayed to reject the reference.

11. It is seen from the records that on behalf of the workman in his case and some other cases Shri A. M. Pushparaj is examined as WW1. In the cross examination he has stated that he has no record to show that the workmen are the members of the union. He does not know that these workmen were working as casual labourers or permanent workers. Absolutely there is no material placed before the court to say that the workman has worked continuously and has any right to continue the work.

12. It is clear from the records that the workman is only a casual labourer, therefore, there is no merit in this reference and accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 13th June, 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1650.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी. बी. डेम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/65/88-डी. आर. II (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1650 — In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman which was received by the Central Government on 22-6-2001.

[No. L-42012/65/88-DR. II (B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
'SHRAM SADAN', III MAIN, IIICROSS, II PHASE,
TUMKUR ROAD, YESHWANTHPUR,
BANGALORE

Dated : 13th June, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,
PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,
BANGALORE

C.R. No. 47/89

I PARTY

Shri U. Eranna,
Office of General Secretary,
T.B. Board Workers and
Civil Employees Union,
T. B. Dam, Hospet Taluk,
Bellary Distt.-583101
(Advocate—
Shri A. S. Malebenmur)

II PARTY

The Executive Engineer,
Head Works and High Level
Canal Division,
Tungabhadra Board,
T. B. Dam, Hospet Taluk,
Bellary Distt.-583101
(Advocate—Shri A. K. Bhat)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/65/88-DR. II (B) dated 21-7-1989 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Executive Engineer, Head Works and High Level Canal Division, Tungabhadra Board, T.B. Dam, Hospet Taluk, Bellary District in retrenching Shri U. Eranna from service w.e.f. 1-7-87 is justified ? If not, to what relief is the workman entitled to ?"

2. The first party was working as Daily Wage Workman from 1-5-1982 to 30-6-1987 and work was stopped without any notice and therefore Industrial dispute is raised.

3. First party workman appeared and filed Claim Statement.

4. The case of the first party workman in brief is as under.

5. The case of the first party workman is that he was employed by the first party on daily wage workman from 1-5-82 to 30-6-87 and the work was stopped on 1-7-87 without any notice and therefore the action of management is not correct. The conciliation proceedings have failed. The first party workman is unemployed. The first party for these reasons has prayed to pass award in his favour.

6. The Second party appeared and filed objections.

7. The case of the Second party in brief is as follows

8. It is the case of the Second party that at the time of reconciliation the Conciliation Officer has no jurisdiction to consider and to give findings. The dispute raised by the workman under Industrial Dispute Act is not valid as the Industrial Dispute Act is not applicable to Tungabhadra Board. Tungabhadra Board was established by the President of India in the year 1955. The Tungabhadra Board is not an independent autonomous body. Therefore, this tribunal has no jurisdiction.

9. It is the further case of the Second party that the workmen were only engaged as local labourer depending upon the repair works.

10. It is the further case of the Second party that while disposing of the Writ Petition filed by one Shri Mahabob against the board, the High Court of Karnataka has passed order on 9-10-90 to consider the case, if he is eligible in the light of the decision rendered by the Supreme Court in the Dharwad District PWD Literate Daily Wages Employees Association and others Vs. State of Karnataka Etc. (AIR 1990 SC 883). The workman was engaged as casual labourer on daily wages and not a permanent workman. The second party for these reasons has prayed to reject the reference.

11. It is seen from the records that Shri Eranna is examined as WW1. Shri A. M. Pushparaj is examined as WW2. I have read the evidence carefully. Admittedly the first party workman was not a permanent worker of the second party. The workman was working as a casual labourer. According to the evidence he was working under the control of HLC Canal. Considering the material before me I am of the opinion that the first party workman is not a permanent worker of the Second Party and there is no merit in the reference. The learned counsel appearing for the Second Party relied ILR 2000 Kar 2156. I read the above decision carefully. In the instant case there is no material to show that the workman was a permanent worker of the Second Party. In the result I pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 13th June, 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1651.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्केऑलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/79/90-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1651.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archeological Survey of India and their workman which was received by the Central Government on 22-6-2001.

[No. L-42012/79/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-cum-LABOUR COURT

'SHRAM SADAN', III MAIN, III CROSS, II PHASE,

TUMKUR ROAD, YESHWANTHPUR,

BANGALORE

Dated : 13th June, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B. Com, LLB,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,

BANGALORE

C R. No. 70/90

I PARTY

The President,
Archeological Survey of India,
Daily Wages Employees Union,
Hampi National Project,
Kamalapur-583221
(Advocate : Shri B. Vasudev)

II PARTY

Superintendent,
Archaeological Survey of India
Bangalore.
(Advocate :
Shri J. M. Riazuddin)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/79/90-IR (DU) dated 9-11-90 for adjudication on the following Schedule :

SCHEDULE

"Whether the action of the Archaeological Survey of India, Bangalore Circle, Bangalore in terminating the services of the workmen without any reasons and without complying the provisions of the Industrial Disputes Act, 1947 is justified ? If not, to what relief the workmen are entitled to ?"

2. The first party union workmen have been working in Hampi National Project on daily wages continuously for a period ranging from 2 years to 8 years. The Second party terminated the services of the workmen so the dispute is raised.

3 First party workmen union has filed Claim Statement.

4. The case of the first party union is as under :

5. The workmen of the first party union are working as casual labourers. The cadre in which these employees were working are :

- (1) Site Supervisor
- (2) Literate Assistant Graduate/Assistant Site Supervisor
- (3) Literate Assistant Under Graduate
- (4) Photographer Assistant
- (5) Draftsman Assistant
- (6) Heavy Stone Lifters/Jawali
- (7) Watchman
- (8) Male Coolie
- (9) Female Coolie
- (10) Mason.

6. The daily wages of these workmen ranges between Rs. 32 to Rs. 70. The project is one of prestigious projects of the Archaeological Survey of India and it is being aided by UNESCO. The action of the Second Party restricting the work w.c.f. 25th September 1990 all of a sudden is not correct. The first party union has prayed to pass award in its favour.

7 Second Party filed Counter.

8 The claim of the Second Party in brief is as under :

9. It is the case of the Second Party that there is no case made out for a dispute under the Industrial Disputes Act. As such the first party has no locus standi to represent the alleged workers. There is no record to show that the union has a membership of 180 workmen have been working in Hampi National Project. The first party union workmen were working on casual basis as labourers and they were paid as per local PWD schedule of rates as well as the rates applicable to the Irrigation Department, Government of Karnataka. The

wages were paid as per the instructions in Archaeological Works Code. The workmen are not eligible for any benefits.

10. The contention of the first party workmen that they are terminated is not correct. The workers were engaged on daily wages on N.M.R. for certain work of casual nature for intermittent periods and since the work is of seasonal nature, it had to be suspended. And therefore they are not entitled for continuous service. At no stage the working class is exploited instead those who do not even know how to hold a spade was also offered work on daily wage inspite of the fact that archaeological excavation is a highly scientific work. The department has been performing its duties relating to their employees in accordance with the rules and regulations. The workers were not engaged against any regular vacancies warranting their continued engagement in the Archaeological Survey of India. The Second party has prayed to reject the reference.

11. It is seen from the records that on behalf of the second party MW1 is examined. On behalf of the workmen WW1 is examined. Both sides have filed written arguments. I have heard both sides in detail and I have perused the written arguments carefully. The evidence of MW1 is that there was no permanent post of Casual workers. All were casual labourers employed in excavation work. He has also stated that during off season the labourers do their agricultural work and the regular staff consists of, technical assistants, draftsmen, surveyor, photographer, modeler and marksmen.

12. In the cross examination MW1 has stated that in respect of casual labourers they do not maintain any registers. He also stated that the Muster Rolls shows name of the casual labourers in detail. He also says in his cross examination that casual labourers are employed to permanent technical persons. Watchmen are also in the Muster Roll. He also says in his cross examination that there is a seniority of casual labourers but same was not prepared during his period. He has said in his cross examination that by oversight the casual labourers working in Hampi National Project were included in the circle seniority list of casual labourers. He says in his cross examination that he cannot say that the workmen involved in this case have worked for more than 240 days continuously. He had no courage to deny this suggestion.

13. On behalf of the Union WW1 is examined. The main argument on behalf of the second party was that the second party is not an Industry.

14. In my opinion this argument has no merit. There is no material to say that the Archaeological Survey of India is not an Industry. The learned counsel appearing for the second party relied on decisions of Manshu Kumar Vidyarthi and others Vs. State of Bihar JP 1997 (4) SC 560, 1997 (3) scale 463. It is true that according to said decision every department of the Government cannot be treated as Industry. The fact of the case on hand are quite different from the above decision. The learned counsel for the second party has also produced an order of the Central Administrative Tribunal, Ahmedabad.

Again the facts are quite different. The second party has also placed reliance on the judgement of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jaipur. Again the facts of the case on hand are quite different from the above judgement. I already said that the Second party has not produced any cogent material so as to say that the second party is not an Industry.

15. The evidence of MW1 which have referred clearly shows that the first party union workmen worked continuously for more than 240 days. The evidence of MW1 is unsatisfactory and it is not established that there was break in the period of service of first party workmen. When the first party workmen have continuously worked for more than 240 days in a year it was obligatory on the part of the second party to follow the provisions of Section 25 F of the Industrial Dispute Act and the termination of the services of the first party workmen amounts to retrenchment because they have worked for more than 240 days.

16. Taking all this into consideration I proceed to pass the following order.

ORDER

The order of termination is not correct and the same is set aside. The second party is directed to reinstate the first party workmen with continuity of service and in the given circumstances back wages are not allowed.

(Dictated to PA transcribed by her, corrected and signed by me on 13th June, 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1652. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्सस आपरेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/80/98-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1652 — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Census Operation and their workman which was received by the Central Government on 22-6-2001.

[No. L-42012/80/98-IR (DU)]
KULDIPRAI VERMA, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राजस्थान
पीठासीन अधिकारी—श्री महेश चन्द्र भगवती, आर. एच. जे. एस.
निर्देश प्रकरण क्रमांक: औ. न्या./केन्द्रीय/-21/99

दिनांक स्थापित : 18/8/99

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या
एल-42012/80/98-आई आर (डी यू) दिनांक 3-8-99

निर्देश अन्तर्गत धारा 10 (1) (घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

भवानीशंकर गौतम पुत्र श्री रामनारायण,

ब्राइट ब्यूटी पैलेस, नयापुरा चौराहा, कोटा-324002

—प्रार्थी श्रमिक

एवं

निदेशक, सेन्सस ऑपरेशन (राजस्थान), 6-बी, झालाना इंगरी,
जयपुर-302004

—अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि—श्री डी. आर. द्विवेदी
अप्रार्थी नियोजक की ओर से प्रतिनिधि—श्री सी. बी. सोरल
अधिनिर्णय दिनांक : 15-5-2001

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के उक्त आदेश दिनांक 3-8-99 के जरिये निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जाएगा) की धारा 10 (1) (घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

"Whether the action of the Census Department through Director of Census Operation (Rajasthan) Jaipur in discontinuing the services of Shri Bhawani Shanker Gautam S/o Shri Ram Narayan is legal and justified? If not, to what relief the workman is entitled?"

2. निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत रूप में जारी की गयी जिस पर दोनों पक्षों की ओर से अपने-अपने अभ्यावेदन प्रस्तुत किये गये।

3. प्रार्थी श्रमिक भवानी शंकर गौतम द्वारा प्रस्तुत स्टेटमेन्ट ऑफ क्लेम के अनुसार अप्रार्थी विभाग ने उसे दिनांक 1-4-91 से "प्रगणक" के पद पर एवं दिनांक 1-5-91 से "चैकर" के पद पर नियुक्त किया था। प्रार्थी ने प्रगणक के पद पर आम जनगणना का कार्य किया था और 1-5-91 से चैकर के पद पर नियुक्त होने के उपरान्त न्यादर्श पंजीकरण का कार्य सम्पादित किया था। उसने अप्रार्थी के नियोजन में दिनांक 1-4-91 से 30-6-92 तक लगातार कार्य किया है, किन्तु अप्रार्थी नियोजक ने बिना कोई पूर्व सूचना दिये हुए, कोई नोटिस अथवा नोटिस वेतन व मुआवजा दिये हुए उसे दिनांक 1-7-92 से ब्यूटी पर नहीं लिया है और उसकी सेवायें समाप्त कर दी हैं। यह अधिकथित किया गया है कि अप्रार्थी नियोजक ने

अधिनियम की धारा 25-एफ एवं एन के आज्ञापक प्रावधानों की अनुपालना नहीं की है, अतः वह पिछले सम्पूर्ण बकाया वेतन एवं प्रलाभों सहित पुनः सेवा में स्थापित किये जाने का अधिकारी है।

4. अप्राथी नियोजक ने प्राथी श्रमिक के अभिवचनों का खण्डन करते हुए पक्ष कथन किया है कि प्राथी को जनगणना वर्ष, 1991 के दौरान कार्य की तत्कालीन आवश्यकतानुसार जनगणना विशेष अवधि के कार्य के लिए दिनांक 1-4-91 से 29-2-92 तक निदेशालय के अधीन क्षेत्रीय सारणीयन कार्यालय, कोटा में संविदा/अनुबन्ध के आधार पर मिश्रित अल्पावधि हेतु निर्धारित 900 रु. प्रतिमाह वेतन पर "कम्पाइलर" के रूप में नियोजित किया था। इसके उपरान्त उसे 3-3-92 से 30-6-92 तक के लिए 1050 रु. प्रतिमाह के वेतन पर चैकर के रूप में अनुबन्धित किया था। जब अनुबन्ध का समय समाप्त हो गया और कार्य समाप्त हो गया तो अप्राथी नियोजक ने प्राथी के अनुबन्ध को आगे नहीं बढ़ाया था। प्राथी की संविदा स्थायी प्रवृत्ति के कार्य विशेष के लिए नहीं थी, अपितु वह तो तत्कालीन कार्य हेतु निश्चित अल्पावधि के लिए निर्धारित संविदा वेतन पर आधारित थी। अप्राथी नियोजक का यह भी पक्ष कथन है कि अनुबन्ध अवधि समाप्त होने पर अनुबन्ध स्थतः ही निरस्त हो गया था इसलिए अनुबन्ध की अवधि बढ़ाये जाने की अथवा उसकी सूचना दिये जाने की कोई आवश्यकता नहीं थी। चूंकि प्राथी श्रमिक का मामला छंटनी का मामला नहीं है, अतः प्राथी के मामले में अधिनियम की धारा 25-एफ व एन के प्रावधान लागू नहीं होते और प्राथी श्रमिक का स्टेटमेंट ऑफ क्लेम इसी आधार पर खारिज किये जाने योग्य है।

5. प्राथी श्रमिक भवानीशंकर गौतम ने साक्ष्य में स्वयं का शपथ-पत्र प्रस्तुत किया है तथा अप्राथी नियोजक की ओर से श्री आर. एस. शर्मा, तत्कालीन सहायक निदेशक, जनगणना कार्य निदेशालय, राज. जयपुर को परीक्षित करवाया गया है।

6. उभयपक्ष की बहस श्रवण की गयी तथा अभिलेख पर ग्राह्य साक्ष्य एवं सारवाचन दस्तावेजात का ध्यानपूर्वक परीशीलन किया गया।

7. प्राथी श्रमिक के विद्वान प्रतिनिधि श्री डी. आर. द्विवेदी एवं अप्राथी नियोजक के विद्वान प्रतिनिधि श्री सी. बी. सोरल ने मेरे समक्ष बहस के दौरान ये ही बिन्दु उठाये हैं जिनका कि उल्लेख उनके द्वारा अपने-अपने अभ्यावेदनों एवं साक्षीगण के शपथ-पत्रों में किया गया है। इसके अतिरिक्त प्राथी के विद्वान प्रतिनिधि श्री द्विवेदी का यह भी तर्क है कि अप्राथी नियोजक द्वारा जो अनुबन्ध प्रदर्श एम. 1 प्रस्तुत किया गया है, उसमें प्राथी भवानीशंकर गौतम को कम्पाइलर के रूप में दर्शाया हुआ है, जबकि अप्राथी ने 1-5-91 को उसे चैकर के पद पर नियुक्त किया था और अप्राथी एवं प्राथी चैकर के बीच में कोई अनुबन्ध नहीं हुआ है, अतः अनुबन्ध प्रदर्श एम. 1 को प्राथी के नियुक्ति-आदेश के परिप्रेक्ष्य में उसके विरुद्ध नहीं पढ़ा जा सकता। इसी प्रकार अप्राथी द्वारा प्राथी को नियुक्ति-पत्र प्रदर्श डबल्यू. 2 दि. 4-4-91 को दिया गया है, जबकि प्राथी व अप्राथी के मध्य अनुबन्ध दि. 1-4-91 से ही प्रारम्भ हो गया था। जहां तक अनुबन्ध प्रदर्श एम. 2 का प्रश्न है, यह दिनांक 3-3-92 को प्राथी व अप्राथी के मध्य किया गया है, जबकि इस पर प्राथी भवानीशंकर गौतम से हस्ताक्षर दिनांक 8-6-92 को करवाये गये हैं।

अर्थात् अनुबन्ध की अवधि समाप्त होने के कुछ दिनों पूर्व ही इस अनुबन्ध पर हस्ताक्षर करवाये गये हैं, जो विधि अधीन मान्य नहीं है। श्री द्विवेदी का तर्क है कि यदि सेवा के दौरान प्राथी को नियुक्ति-पत्र दिया जाता है तो उसे अप्राथी द्वारा प्राथी को दिया गया छंटनी का नोटिस ही माना जाएगा। श्री द्विवेदी का यह भी तर्क है कि चूंकि प्राथी भवानीशंकर ने अप्राथी नियोजक के नियोजन में दि. 1-4-91 से 30-6-92 तक लगातार एक कलेण्डर वर्ष में 240 दिन या उससे अधिक कार्य किया गया है और अप्राथी द्वारा उसे धारा 25-एफ के प्रावधानान्तर्गत कोई नोटिस अथवा नोटिस वेतन व छंटनी का मुआवजा नहीं दिया गया है, अतः वह पुनः सेवा में बहाल किये जाने का अधिकारी है। श्री द्विवेदी ने अपने इन तर्कों के समर्थन में न्यायदृष्टांत "2000 (87) एफ. एल. आर. 727, 1996 (74) एफ. एल. आर. 2321" उद्धृत किये हैं।

8. इसके प्रत्युत्तर में अप्राथी नियोजक के विद्वान प्रतिनिधि श्री सी. बी. सोरल का यह तर्क है कि जनगणना का कार्य तत्कालिक एवं स्थायी प्रकृति का होने के कारण प्राथी श्रमिक को एक निश्चित अल्पावधि के लिए आवश्यकतानुसार निर्धारित वेतन पर अनुबन्ध पर रखा गया था। अनुबन्ध की अवधि समाप्त होने के उपरान्त प्राथी का नियोजन अनुबन्ध के अनुसार स्थतः ही समाप्त हो गया, अतः प्राथी का मामला छंटनी की परिभाषा में नहीं आता और उसका यह मामला धारा 2 (ओ ओ) (बी बी) की परिधि में आता है, अतः प्राथी के मामले में अधिनियम की धारा 25-एफ के प्रावधान लागू होना नहीं पाये जाते और प्राथी को 25-एफ का कोई संरक्षण प्राप्त नहीं होता है। उन्होंने इस तर्क के समर्थन में माननीय उच्चतम न्यायालय की खण्डपीठ द्वारा अपील संख्या 1556/73 एवं 6327/94 आदि में दिये गये निर्णय की प्रति प्रस्तुत की है।

9. प्राथी के स्टेटमेंट ऑफ क्लेम, अप्राथी द्वारा प्रस्तुत किये गये जवाब, दोनों पक्षों द्वारा प्रस्तुत की गयी साक्ष्य एवं सारवाचन दस्तावेजात के अवलोकन से यह स्पष्ट है कि अप्राथी नियोजक द्वारा अभ्यर्थियों के साक्षात्कार/लिखित परीक्षा के पश्चात प्राथी भवानीशंकर गौतम को जनगणना वर्ष, 1991 के लिए समेकित वेतन 900 रु. प्रतिमाह पर, अनुबन्ध के आधार पर, कम्पाइलर के पद पर नियुक्त किया गया था। इस नियुक्ति-पत्र दिनांकित 4-4-91 प्रदर्श डबल्यू. 2 में यह भी उल्लेख किया गया था कि प्राथी के कार्य निष्पादन व कार्यालय की आवश्यकताओं की दृष्टि में रखते हुए भविष्य में उसे 1050 रु. एवं 1200 रु. प्रतिमाह समेकित वेतन पर भी नियुक्त किया जा सकता है। प्राथी ने प्रदर्श डबल्यू. 3 व डबल्यू. 4, प्राथी के यात्रा कार्यक्रम की फोटोप्रतियां प्रस्तुत की हैं।

10. इस क्रम में यह स्पष्ट करना आवश्यक है कि प्राथी की नियुक्ति के पश्चात प्राथी एवं अप्राथी नियोजक के मध्य संविदा प्रदर्श एम. 1 लिपिबद्ध की गयी थी और इस संविदा/अनुबन्ध के आधार पर प्राथी भवानीशंकर गौतम को दि. 1-4-91 से 29-2-92 तक की अवधि के लिए कम्पाइलर के पद पर 900 रु. प्रतिमाह समेकित वेतन पर अस्थायी रूप से नियुक्त किया गया था। इस अनुबन्ध के अनुसार अनुबन्ध की अवधि 1-4-91 से प्रारम्भ हुई थी और 29-2-92 को समाप्त हो गयी थी। यहां यह उल्लेख किया जाना आवश्यक है कि जब जनगणना वर्ष 1991 का कार्य समाप्त नहीं हुआ तो प्राथी एवं अप्राथी नियोजक के मध्य एक दूसरा अनुबन्ध प्रदर्श एम. 2 भी लिपिबद्ध किया गया।

इस अनुबन्ध की अवधि 3-3-92 से प्रारम्भ हुई थी और 30-6-92 को समाप्त हो गयी थी। इस अनुबन्ध के अनुसार प्रार्थी को 1050 रु. समेकित वेतन प्रतिमाह पर चैकर के पद पर नियुक्त किया गया था।

11. अप्रार्थी नियोजक द्वारा प्रार्थी भवानीशंकर गौतम को पत्र दिनांकित 25-2-92 प्रदर्श डब्ल्यू. 7 के अनुसार यह सूचित किया गया था कि संविदा/अनुबन्ध अवधि पूरी होने के कारण उसकी सेवायें 29-2-92 (अपराह्न) से समाप्त हो जायेगी। "संविदा समाप्ति की सूचना" दि. 25-2-92 प्रदर्श डब्ल्यू. 7 के अनुसार 83 व्यक्तियों की सेवायें समाप्त की गयी थी, जिनमें से प्रार्थी भवानीशंकर गौतम का नाम क्रम सं. 56 पर अंकित है। इसके उपरान्त अप्रार्थी नियोजक ने पत्र प्रदर्श डब्ल्यू. 8 दिनांकित 25-2-92 के द्वारा इन सभी व्यक्तियों को यह भी सूचित किया था कि यदि वे जनगणना 1991 के बाकी बचे कार्य को सम्पादित करने हेतु दि. 3-3-92 से नये अनुबन्ध (संविदा) के आधार पर अपनी सेवायें निदेशालय को देना चाहते हैं तो अपनी लिखित इच्छा हेतु इस पर अपने हस्ताक्षर कर दें। इस पत्र प्रदर्श डब्ल्यू. 8 के क्रम सं. 56 पर प्रार्थी भवानीशंकर गौतम का नाम अंकित है, इसके आगे के कॉलन में उसे "चैकर" के पद पर दर्शाया गया है। प्रार्थी भवानीशंकर गौतम ने इस पत्र प्रदर्श डब्ल्यू. 8 पर अपने हस्ताक्षर कर अपनी स्वीकृति अप्रार्थी नियोजक के समक्ष प्रस्तुत कर दी थी और 3-3-92 से नये अनुबन्ध के आधार पर अपनी सेवायें अप्रार्थी निदेशालय को देने की इच्छा जाहिर कर दी थी। प्रार्थी की इसी स्वीकृति के आधार पर प्रार्थी एवं अप्रार्थी के मध्य दिनांक 3-3-92 को दूसरा अनुबन्ध प्रदर्श एम. 2 तैयार हुआ जिसकी अवधि 3-3-92 से प्रारम्भ हुई और 30-6-92 को समाप्त हो गयी। अनुबन्ध की अवधि 30-6-92 को समाप्त होने पर प्रार्थी की सेवायें भी स्वतः ही अनुबन्ध की अवधि के साथ समाप्त हो गयी।

12. अधिनियम की धारा 2 (ओ ओ) (बी बी) के अनुसार यदि किसी कर्मकार की सेवायें, कर्मकार एवं नियोजक के मध्य हुई संविदा का नवीनीकरण नहीं होने के परिणामस्वरूप, संविदा की अवधि समाप्त होने के कारण समाप्त हो जाती है तो ऐसी संविदा के अन्तर्गत समाप्त हुई सेवा "छंटनी" की परिभाषा में नहीं आती है। हस्तगत मामले में भी प्रार्थी श्रमिक एवं अप्रार्थी नियोजक के मध्य प्रथम संविदा/अनुबन्ध दिनांक 1-4-91 से 29-2-92 तक की अवधि के लिए था एवं दूसरा अनुबन्ध (संविदा) प्रदर्श एम. 2 दिनांक 3-3-92 से 30-6-92 तक की अवधि के लिए था। अप्रार्थी नियोजक द्वारा प्रार्थी के इस अनुबन्ध की अवधि 30-6-92 के पश्चात नहीं बढ़ायी गयी, अतः अनुबन्ध की शर्तों के अनुसार अनुबन्ध की अवधि समाप्त होने के साथ-साथ ही प्रार्थी की सेवायें भी स्वतः ही समाप्त हो गयीं और चूंकि प्रार्थी की ये सेवायें एक अनुबन्ध के अधीन थी, अतः अनुबन्ध की अवधि समाप्त होने के साथ-साथ ही प्रार्थी की सेवायें समाप्त होना किसी प्रकार "छंटनी" की परिभाषा में नहीं आता और ऐसी स्थिति में प्रार्थी श्रमिक को अधिनियम की धारा 25-एफ का कोई संरक्षण प्राप्त नहीं होता है।

13. जो न्यायद्वष्टांत "2000 (87) एफ. एल. आर. 727" श्री द्विवेदी प्रार्थी प्रतिनिधि ने मेरे समक्ष उद्धृत किया है, उसके तथ्य हस्तगत मामले के तथ्यों से कतई मेल नहीं खाते, क्योंकि इस न्यायद्वष्टांत के श्रमिक का नियोजन एक निर्धारित अवधि के लिए नहीं था, अपितु विशुद्ध रूप से अस्थायी तौर पर नियोजन किया गया था, अतः माननीय उच्चतम न्यायालय ने यह माना कि चूंकि श्रमिक का नियुक्ति आदेश निर्धारित अवधि के लिए

नहीं है, अतः उसके मामले में अधिनियम की धारा 25-एफ के प्रावधान लागू होते हैं। इसी प्रकार न्यायद्वष्टांत "1996 (74) एफ. एल. आर. 2321" के मामले में श्रमिक की सेवायें निर्धारित अवधि के पश्चात भी बढ़ायी गयी थी और वो आगे भी नियमित रही, अतः माननीय पंजाब एवं हरियाणा उच्च न्यायालय द्वारा यह अभिनिर्णित किया गया कि ऐसी स्थिति में श्रमिक की सेवायें समाप्त करना, सेवा शर्तों के परिणाम नहीं थी। चूंकि इन दोनों ही मामलों के तथ्य, हस्तगत मामले के तथ्यों से मेल नहीं खाते हैं, अतः इन न्यायद्वष्टांतों में माननीय उच्चतम न्यायालय एवं पंजाब एवं हरियाणा उच्च न्यायालय द्वारा प्रतिपादित सिद्धांत यहां लागू होना नहीं पाये जाते।

14. प्रार्थी के विद्वान प्रतिनिधि श्री द्विवेदी का यह तर्क स्वीकार किये जाने योग्य नहीं है कि अनुबन्ध प्रदर्श एम. 2 विधिसम्मत नहीं है, क्योंकि इस पर प्रार्थी श्रमिक के हस्ताक्षर दि. 8-6-92 को कारवाये गये हैं, जबकि अनुबन्ध की अवधि दि. 3-3-92 को ही प्रारम्भ हो गयी थी। यहां यह उल्लेख किया जाना अति महत्वपूर्ण है कि अप्रार्थी नियोजक ने दिनांक 25-2-92 को एक पत्र प्रदर्श डब्ल्यू. 8 समस्त कार्यरत कम्पाइलरों/कोडरों/चैकरों/सुपरवाइजरों के लिए जारी किया था जिनकी सेवायें संविदा अवधि पूरी होने के कारण दिनांक 29-2-92 को समाप्त हो रही थीं। इस पत्र के द्वारा उन्हें यह सूचित किया गया था कि जनगणना 1991 के बाकी बचे कार्य सम्पादन हेतु यदि वे दिनांक 3-3-92 से नये अनुबन्ध (संविदा) के आधार पर अपनी सेवायें निदेशालय को देना चाहते हैं तो अपनी लिखित इच्छा हेतु इस पर अपने हस्ताक्षर अंकित कर दें। प्रार्थी श्रमिक भवानीशंकर गौतम, जिसका कि नाम क्रम सं. 56 पर अंकित है, ने दिनांक 3-3-92 को ही लिखित में अपनी सहमति प्रस्तुत कर दी थी। इस प्रकार प्रार्थी एवं अप्रार्थी के मध्य अनुबन्ध तो दि. 3-3-92 को हो गया था। अनुबन्ध प्रदर्श एम. 2 को प्रदर्श डब्ल्यू. 8 के अन्तर्गत दिनांक 3-3-92 को हुए एक अनुबन्ध का परिणाम है जिसके द्वारा अनुबन्ध को प्रदर्श एम. 2 के माध्यम से विधिक स्वरूप दिया गया है। अतः यह तथ्य महत्वपूर्ण नहीं है कि प्रार्थी श्रमिक भवानीशंकर गौतम ने प्रदर्श एम. 2 पर हस्ताक्षर दिनांक 8-6-92 को दिये थे।

15. विधिवाद रूप से प्रार्थी श्रमिक की सेवायें अनुबन्ध प्रदर्श एम. 1 व प्रदर्श एम. 2 के अध्याधीन थीं और संविदा (अनुबन्ध) की अवधि समाप्त होने के उपरान्त प्रार्थी की भी सेवायें स्वतः समाप्त हो गयी थी, अतः प्रार्थी को अधिनियम की धारा 25-एफ का संरक्षण प्राप्त नहीं होने के कारण अप्रार्थी नियोजक द्वारा उसकी सेवायें समाप्त होने के पूर्व उसे एक माह का नोटिस अथवा नोटिस के बदले एक माह के अग्रिम वेतन एवं छंटनी के सुआवजे का भुगतान किया जाना अपेक्षित नहीं था और प्रार्थी का मामला "छंटनी" की परिभाषा में समाहित नहीं होने के कारण प्रार्थी, अप्रार्थी से किसी प्रकार का लाभ प्राप्त करने का अधिकारी होना नहीं पाया जाता।

परिणामतः भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश/विवाद का इस प्रकार अधिनियमन किया जाता है कि जनगणना विभाग, जरिये निदेशक, जनगणना ऑपरेशन (राजस्थान) जयपुर द्वारा प्रार्थी श्रमिक भवानीशंकर गौतम पुत्र श्री राम नारायण की सेवायें समाप्त किया जाना पूर्णरूपेण उचित एवं वैध है और प्रार्थी श्रमिक, अप्रार्थी नियोजक से किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

महेश चन्द्र भगवती, न्यायाधीश

नई दिल्ली, 18 जून, 2001

का.आ.1653:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेफेड बायोफर्टिलाइजर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-6-2001 को प्राप्त हुआ था।

[मं. एल-42012/136/99-आई.आर. (डीयू)]
कुलदीप राज वर्मा, डेस्क अधिकारी

New Delhi, the 18th June, 2001

S.O. 1653 In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal cum-Labour Court Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of NAFED Biofertilizers and their workman, which was received by the Central Government on 18-6-2001.

[No. L-42012/136/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं धर्म व्यवसाय,
जयपुर

प्रकरण संख्या :—सी.आई.टी. जे-67/99

आदेश संख्या :—एल-42012/136/99-आई.आर. (डीयू)
26-10-99

रूपनारायण शर्मा पुत्र श्री नारायण शर्मा

आयु 25 साल, जाति ब्राह्मण, निवासी—ग्राम हारापुरा, पोस्ट देवाड़ी, बाया मिकन्दरा, नरसीन बसवा, जिला—झांसा (राजस्थान)

—प्रार्थी

वताम

1. सहायक बाणिज्य अधिकारी नेफेड, बायोफर्टिलाइजर, तीसरी मंजिल, नेहरू सड़कार भवन, भवानी मिह रोड, जयपुर।
2. उत्पादन प्रबंधक, नेफेड बायोफर्टिलाइजर, तीसरी मंजिल, आई.डी.ए. बिल्डिंग, 13/14, जवाहर मार्ग, इन्दौर, मध्य प्रदेश।
3. प्रबंधक निदेशक, नेफेड, नेफेड हाउस, मिहार्थ इन्किलीग, रिग रोड, ग्राथम चौक, नई दिल्ली। —अप्रार्थीगण

2063 GI/2001—18

उपस्थित :—

प्रार्थी की ओर से श्रीमती उर्मिला शर्मा
अप्रार्थीगण की ओर से श्री एम.एन. शर्मा
आदेश दिनांक 19-3-2001

आदेश

केन्द्रीय सरकार के द्वारा निम्न विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम, 1947 कहा गया है।) की धारा 10 की उपधारा (1) के खंड-घ के प्रावधानों के अन्तर्गत न्यायनिर्णय हेतु निर्देशित किया गया :—

“Whether the action of the Managing Director, NAFED Biofertilizers in terminating the services of Shri Roop Narayan Sharma is legal & justified? If not, to what relief the workman is entitled?”

प्रार्थी की ओर से स्टेटमेंट ग्राफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि उसको नियुक्ति दिनांक 15-9-94 को विपक्षी संस्थान के जयपुर स्थित कार्यालय में दैनिक वेतनभोगी कर्मचारी के पद पर की गई थी, जहां उसने दिनांक 15-9-94 से 6-4-98 तक निरन्तर कार्य किया व इस प्रकार 240 दिन कार्य दिवस पूरे कर लिए। दिनांक 8-4-98 को मौखिक आदेश से उसे सेवा से पृथक् कर दिया गया। सेवा से पृथक् करने के समय उसने तो कोई नोटिस दिया व न क्षतिपूर्ति दी गई। अप्रार्थीगण ने अधिनियम, 1947 की धारा 25-एफ, जी एवं एच की पालना नहीं की। प्रार्थना की गई कि उसकी सेवाभक्ति को अवैध घोषित किया जाए व उसे सेवा में पुनः लिया जाकर समस्त पिछला वेतन व लाभ परिलब्ध दिलाए जाएं।

अप्रार्थीगण की ओर से जवाब प्रस्तुत किया गया, जिस में प्रारम्भिक आपत्ति की गई कि केन्द्र सरकार निर्देश आदेश को प्रेषित करने हेतु उपायुक्त सरकार नहीं है। अधिनियम, 1947 की धारा-2 के खंड (ए) के प्रावधानों के अनुसार विवाद को प्रेषित करने हेतु उपायुक्त राज्य सरकार है। इस प्रकार निर्देश बिना प्रेताधिकार के प्रेषित किया गया है। यह भी उल्लेख किया गया कि प्रार्थी को आकस्मिक धर्मिक के रूप में आकस्मिक कार्य हेतु आवश्यकतानुसार नियोजित किया गया था। सरकार के द्वारा नियत न्यूनतम मजदूरी का भुगतान निश्चित किया गया था। यह भी उल्लेख किया गया कि प्रार्थी स्वयं कार्य पर उपस्थित नहीं हुआ व उसने स्वेच्छा से कार्य छोड़ दिया। प्रार्थी की सेवाएं अप्रार्थीगण के द्वारा नहीं संभाली गई। अधिनियम, 1947 की धारा 25-एफ, जी एवं जी एच के प्रावधानों का कोई उल्लंघन नहीं किया गया। गलतियों के अभिकथनों के आधार पर निम्नांकित विवाद बिम्बु बनाए गए।

Points of Dispute :—

- (1) Whether the applicant worked in the establishment of the non-applicant from 15-9-94 to 6-4-98 continuously ?
- (2) Whether the Central Government is not the 'appropriate Government' for referring the dispute ?
- (3) Whether the applicant left the job himself?
- (4) Whether the applicant was engaged as a casual workman and was given casual nature of work according to the requirements ?
- (5) Whether the applicants services were terminated by the non applicant in violation of S. 25.F & G. of the Industrial Dispute Act, 1947 ?
- (6) To what relief the applicant is entitled ?

बिन्दु संख्या :—2 के बात बहस सुनी गई एवं पक्षावली का अवलोकन किया गया ।

उक्त बिन्दु का विनिश्चय निम्न प्रकार किया जाता है अधिनियम, 1947 की धारा 2-ए में "समुचित सरकार" को निम्न प्रकार परिभाषित किया गया है :—

2. (a) "appropriate Government " means,—

(i) in relation to any Industrial Disputes concerning any industry carried on by or under the authority of the Central Government or by a railway company (or concerning any such controlled industry) as may be specified in this behalf by the Central Government or in relation to an Industrial Dispute concerning a Dock Labour Board established under Section 5-A of the Dock workers (Regulation of Employment) Act, 1948 (9 of 1948) or (the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956), or the Employees' State Insurance Corporation established under Section 3 of the Employees, State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under Section 3-A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under Section 5-A and Section 5-B, respectively, of the Employees, Provident Fund and (Miscellaneous Provisions Act, 1952 (19 of 1952), or the Life Insurance Corporation of India established under Section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956) or the Oil and Natural Gas Corporation Limited registered under the companies Act, 1956 (1 of 1956) or the Deposit Insurance and Credit Guarantee Corporation established under Section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporations established under Section

3 of the Warehousing Corporations Act, 1962 (53 of 1962), or the Unit Trust of India established under Section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under Section 3 or a Board of Management established for two or more contiguous States under Section 16 of the Food Corporations Act, 1964(37 of 1964) or (the Airports Authority of India constituted under Section 3, of the Airports Authority of India Act, 1994 (55 of 1994), or a Regional Rural Bank established under Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976) or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Corporation of India Limited), or (The Banking Service Commission established, under Section 3 of the Banking Service Commission Act, 1975, or) (an air transport service , or) (a banking or an insurance company, a mine, an oilfield) (a Cantonment Board), or a major port, the Central Government, and

(ii) in relation to any other Industrial Dispute, the State Government;

उक्त परिभाषा के अन्तर्गत जिन उद्योगों के बारे में स्पष्टतः केन्द्र सरकार के "भूमुचित सरकार" होने का उल्लेख किया गया है, विपक्षी संस्थान उन उद्योगों के तहत नहीं आता । विचार यह करना है कि क्या विपक्षी संस्थान केन्द्रीय सरकार के द्वारा या उसके प्राधिकार के अधीन चलाया जाने वाला उद्योग है । इस संदर्भ में विपक्षी संस्थान नेफेड के बाई लॉज का उल्लेख करना उचित होगा । विपक्षी संस्थान के बाई लॉज के अनुसार विपक्षी संस्थान सेंट्रल रजिस्ट्रार आफ कॉर्पोरेटिव सोसायटी के द्वारा पंजीकृत है ।

नेफेड के बाई लॉज के खंड संख्या : 3, 4, 12, 14, 15, 17, 20, 28, 31, 32, 33, 34, 34-ए, 35, 36 निम्न प्रकार है :—

Objects

3. The objects of the NAFED shall be to organise, promote and develop marketing, processing and storage of agricultural, horticultural and forest produce, distribution of agricultural machinery, implements and other inputs, undertake inter-State, import and export trade, wholesale or retail as the case may be and to act and assist for technical advice in agricultural production for the promotion and the working of its members and cooperative marketing processing and supply societies in India. In furtherance of these objectives, the NAFED may undertake one or more of the following activities :

- (1) to facilitate, coordinate and promote the marketing and trading activities of the cooperative institutions in agricultural and other commodities, articles and goods;

- (ii) to undertake or promote on its own or on behalf of its member institutions or the Government or Government organisations, inter-State, and international trade and commerce and under-take, wherever necessary, sale purchase, import, export and distribution of agricultural commodities, horticultural and forest produce, other articles and goods from various sources for pursuing its business activities and to act as the agency for canalisation of export and import and inter-state trade of agricultural and other commodities or articles under any scheme formulated by the Government of India or other Government agencies and to facilitate these activities, whenever, necessary to open branches/sub-offices and appoint agents at any place within the country or abroad;
- (iii) to undertake purchase, sale and supply of agricultural products, marketing and processing requisites, such as manure, seeds, fertiliser, agricultural implements and machinery, packing machinery, construction requisites, processing machinery for agricultural commodities, forest produce, dairy, wool and other animal products;
- (iv) to act as warehouseman under the warehousing Act and own and construct its own godowns and cold storages;
- (v) to act as agent of any Government agency or cooperative institution for the purchase, sale storage and distribution of agricultural, horticultural, forest and animal husbandry produce, wool, agricultural requisites and other consumer goods;
- (vi) to act as an insurance agent and to undertake all such work which is incidental to the same;
- (vii) to organise consultancy work in various fields for the benefit of the cooperative institutions : in general and for its members in particular ;
- (viii) to undertake manufacture of agricultural machinery and implements, processing, packing etc. and other production requisites and consumer articles by setting up manufacturing units either directly or in other collaboration with or as a joint venture with any other agency, including import and distribution of spare-parts and components for up-keep of the machinery/implements ;
- (ix) to set up storage units for storing various commodities and goods, by itself or in collaboration with any other agency in India or abroad ;
- (x) to maintain transport units of its own or in collaboration with any other organisation in India or abroad for movement of goods on land, sea, air etc. ;
- (xi) to collaborate with any international agency or a foreign body for development of cooperative marketing, processing and other activities for mutual advantage in India or abroad ;
- (xii) to undertake marketing research and dissemination of market intelligence ;
- (xiii) to subscribe to the share capital of other cooperative institutions as well as other public, joint and private sector enterprises if and when considered necessary for fulfilling the objectives of NAFED ;
- (xiv) to arrange for the training of employees of marketing/processing/supply cooperative societies ;
- (xv) to maintain common cadres/pools of managerial/technical personnel required by the marketing/processing/supply cooperative societies ;
- (xvi) to establish processing units for processing of agricultural, horticultural and forest produce and wool ;
- (xvii) to undertake grading, packing and standardisation of agricultural produce and other articles ;
- (xviii) to acquire, take on lease or hire, lands, building, fixtures and vehicles and to sell, give on lease or hire them for the business of NAFED ;
- (xix) to advance loans to its members and other cooperative institutions on the security of goods or otherwise ;
- (xx) to guarantee loans or advanced or give undertakings to any society or company in which the Federation has a shareholding or financial involvement as a promoter to be able to assist its development or expansion or for starting any industrial undertaking by such societies/companies;
- (xxi) to guarantee loans or advances or give undertakings on behalf of any such society or company as mentioned above to any financing institutions;
- (xxii) to do all such things or undertake such other business or activities as may be incidental or conducive to the attainment of any or all of the above objects.

Membership :

- 4 (a) The membership of NAFED shall consist of the following categories :
- (i) State-level general purpose co-operative marketing federations excluding Union Territories ;
 - (ii) Apex-level cooperative marketing organisations for Union Territories ;
 - (iii) State and Regional (inter-State) level cooperative institutions like special commodity federations, tribal co-operative federations and tribal cooperative development corporations, engaged or designed to engage primarily in the marketing, processing or distribution of agricultural, minor forest and allied produce, agricultural requisites and consumer goods ;
 - (iv) Cooperative marketing/processing societies other than those covered under item (i), (ii) and (iii) above, engaged in the marketing and /or processing of agricultural minor forest and allied produce and /or agricultural inputs and having a minimum sales turnover of Rs. 20 lakhs or above in these activities during the cooperative year preceding the date of application for membership. Provided however, that the minimum sales turnover in respect of such cooperatives in co-operatively backward States, as defined by the Govt. of India shall be Rs. 10 lakhs only ;
 - (v) Government of India ;
 - (vi) National Cooperative Development Corporation ;
 - (vii) Other Govt. Organisations/undertakings ; and
 - (viii) National Cooperative Consumer's Federation and any other national-level cooperative organisation.
- (b) The NAFED may retire the shares held by the Government of India, Government organisation and the National Cooperative Development Corporation at such time and in such manner as may be agreed upon between it and the Government of India/ Government organisations/National Cooperative Development Corporation as the case may be.
- (c) Nominal membership :
such other persons/societies/institutions not covered by bye-law 4 (a) above, with whom the NAFED is likely to do business or store goods, or arrange sale thereof, provided the applications for admission

such membership is received alongwith the admission fee of Rs. 100/- and is duly accepted by the Board of Director, may be admitted as nominal members. Such admission fee shall not be refundable in any case. Such members will, however, not carry right to vote or participate in the management of the Federation or in the sharing of its profits or liabilities :

Capital :

12 (a) NAFED may raise funds from one or more of the following sources :

- (i) Admission fees,
- (ii) Share Capital,
- (iii) Loans and Deposits,
- (iv) Grants-in-aid and donations, and
- (v) Profits.

Provided that the acceptance of loans and deposits from non-members shall be subject to such restrictions as the Registrar may impose.

(b) The authorised share-capital of the the Federation shall be Rs. 5 crores consisting of :

- (i) 1000 shares of Rs. 25,000/- each to be subscribed by the members categorised under Bye-law 4 (a) (i), (iii), (iv), (v), (vi), (vii) and (viii) ;
- (ii) 10,000 shares of Rs. 2,500/- each to be subscribed by the members categorised under Bye-law 4 (a) (ii) and (iv).

Provided 4721 shares of Rs. 1,000/- each and 234 shares of Rs. 5,000/- each already issued, shall not be disturbed and shall not effect the total of the authorised share capital.

General Body :

14 The General Body of NAFED shall consist of one representative each of the members admitted under Bye-law 4(a) and the Directors of other organisation/institutions on the Board of Directors of NAFED under Bye-law 20 including the two co-opted Directors.

15. Every member society, the Central Government and other organisations eligible to send representatives as per Bye-law 14 shall nominate their representatives on the General Body of NAFED and certified copies of the instrument of nomination shall be sent to the Managing Director. Such resolutions/instruments should specify the period for which such nominees will continue to represent them.

17. Without prejudice to the general provisions of the preceding Bye-laws, the duties and powers of the General Body shall be :

- (i) to elect, suspend or remove the members of the Board of Directors, except those nominated by the Government of NCDC (National Cooperative Development Corporation);
- (ii) to consider and adopt the Annual Report of NAFED, its Audit Report and audited Balance Sheet and Profit and Loss Account and its programme of activities prepared by the Board of Directors for the ensuing year;
- (iii) to dispose of profits in accordance with the Act, notified rules and these Bye-laws;
- (iv) to fix the maximum borrowing limit which shall be subject to the approval of the Registrar;
- (v) to amend the Bye-laws;
- (vi) to expel members;
- (vii) to consider any other business with the permission of the Chairman of the General Body.

Board of Directors :

20. The Board of Directors elected by the General Body once in 3 years, shall consist of :

- (a) one representative each of State-level general purpose co-operative marketing federations admitted under Bye-law 4(a)(i);
- (b) one representative to be elected by the members admitted under Bye-law 4(a)(ii) from amongst themselves;
- (c) one representative to be elected by the members admitted under Bye-law 4(a)(iii) and 4(a)(vii) from amongst themselves;
- (d) 7 representatives to be elected by members admitted under Bye-law 4(a)(iv) from amongst themselves;
- (e) three nominees of the Government of India;
- (f) one nominee of the National Co-operative Development Corporation;
- (g) one nominee of the National Co-operative Union of India;
- (h) one nominee of the State Bank of India;
- (i) one nominee each of the National Co-operative Consumers Federation, the Bharat Kri-shak Samaj and any other national level co-operative organisation that may be admitted to membership of NAFED, provided that such representation on the Board of NAFED shall be on a reciprocal basis;

- (j) not more than two eminent co-operators, economists or management experts in the country as may be co-opted by the Board of Directors. They shall have right to participate and vote. Such persons shall be eligible for re-cooption after the end of their term;

(k) Managing Director.

28. The Board of Directors shall exercise all the powers of NAFED except those reserved for the General Body subject to any resolutions or restrictions laid down by NAFED in a General Body Meeting or in the Bye-laws. In particular the Board has the following powers :

- (i) to observe in all their transactions the Act, the notified rules and these Bye-laws;
- (ii) to place before the General Body, the Annual Report and the Audit Report;
- (iii) to consider and approve the Annual Budget (including supplementary budget) of NAFED;
- (iv) to consider the inspection notes of the Registrar and of any other person authorised to inspect by him and take necessary action;
- (v) to admit and suspend members and issue new shares and transfer of old shares;
- (vi) to decide matters relating to withdrawals, transfer, refund and forfeiture of shares;
- (vii) to summon General Body meeting in accordance with these Bye-laws;
- (viii) to appoint, suspend or remove the Managing Director who shall be ex-officio members of the Board of Directors;
- (ix) to decide an investment in the share capital of other co-operative and other institutions/bodies;
- (x) to purchase, sell or otherwise acquire and dispose of immovable property of NAFED;
- (xi) to accept or reject the resignation from the members of the Board of Directors and in the case of acceptance of resignation or vacancy failing for other reasons, to coopt Directors from among the representatives to the General Body in accordance with Bye-law 24;
- (xii) to frame rules regarding recruitment, appointment, conditions of service, suspension and punishment in respect of the Managing Director;
- (xiii) to appoint an Executive Committee and Business Committee;

- (xiv) to grant business incentive with the object of promoting agricultural co-operative marketing in the country in general and that of the member-federations in particular;
- (xv) to recommend to the General Body distribution of profits;
- (xvi) to settle the terms and conditions regarding retirement of share-capital contributed by NCDC, Government of India/State Government and other Government Organisation;
- (xvii) the Board of Directors shall be competent to make ad-hoc grants from out of its general funds or common goods funds or any other fund created for the purpose for any cause of national emergency.

Executive Committee :

31. The Board of Directors shall constitute an Executive Committee comprising the following members :

- (i) Chairman;
- (ii) Two Vice-Chairmen;
- (iii) Six Directors including one representative of the National Co-operative Development Corporation;
- (iv) Managing Director.

32. The Executive Committee shall have the following powers and functions :

- (i) to arrange for internal checking of the accounts at least once in a quarter;
- (ii) to hire or take on lease land, yards, godowns, building, processing plants, machinery, cold storage, etc.
- (iii) to purchase, sell or otherwise acquire or dispose of movable property of the NAFED;
- (iv) to fix the limits of cash balance to be kept by various officers and branches and authorise officers to sign or execute receipts and other documents on behalf of NAFED;
- (v) to arrange for raising funds for carrying on the business of NAFED and to determine the terms and conditions therefore;
- (vi) to decide the terms, period for and the rate of interest at which deposits are to be received and to arrange for repayment of such deposits;
- (vii) to frame rules regarding recruitment, appointment, suspension, punishment and other conditions of service in respect of the employees of NAFED, other than the Managing Director and to prescribe the scale and nature of securities to be obtained from the employees where necessary;

- (viii) to approve and sanction the staff required from time to time, for carrying on the business of NAFED and to prescribe the scales of pay and other allowances and perquisites etc., in respect of the employees of NAFED other than the Managing Director;

- (ix) to sanction expenditure on purchase of dead-stock, furniture and fixtures, stationery, vehicles and other items required by NAFED and also sanction other contingent expenditure. Executive Committee may delegate these powers to the Managing Director and other Officers of NAFED subject to such restrictions as it may deem fit;

- (x) through any member or officer or employee of NAFED or any other person, specially authorised, to institute, conduct, defend, compromise, refer to arbitration or abandon legal proceedings by or against NAFED or its officers/employees concerning the affairs of NAFED;

- (xi) to appoint such sub-committees as may be necessary from amongst its members and delegates to them such powers as may be appropriate;

- (xii) to appoint trustee or, trustees, attorney or attorneys, agent or agents for the business of NAFED;

- (xiii) to refer any claims or demands for arbitration and to observe and perform the awards;

- (xiv) to sanction contracts which are in excess of Rs. 5 lakhs;

- (xv) any other powers delegated by the Board of Directors, from time to time;

- (xvi) to delegate its powers to such officers of the Federation as it may deem fit.

33. The Executive Committee may Meet as often as necessary but normally once in every quarter. Five members shall form a quorum in the meeting of the Committee. The meeting of the Executive Committee shall be presided over by the Chairman, in his absence by one of the Vice-Chairman, senior in age and in their absence, the members present may elect their own Chairman from amongst themselves to preside over the meeting.

Chairman :

34. (i) The Chairman and the Vice-Chairmen elected by the Board of Directors shall act as the Chairman and Vice-Chairmen of the General Body of NAFED also;

(ii) The Chairman shall preside over the meetings of the Board of Directors, General Body, Executive Committee and Business Committee. In his absence one of the Vice-Chairmen shall preside and in the absence of the three, the members present shall elect one from amongst themselves as the Chairman of the meeting. When the Chairman is absent but both the Vice-Chairmen are present, the Vice-Chairman senior in age shall preside.

(iii) The Chairman shall have general control and overall supervision over the affairs of the Federation and its officers with the object of ensuring implementation of all the policies laid down by the Board of Directors/Executive Committee/Business Committee.

(iv) The Chairman shall be competent to take decisions as are of an urgent nature affecting the policy of the Federation on behalf of the Board of Directors, Executive Committee, Business Committee and any other committee, which may be deemed urgent on the advice of the Managing Director. The matter will be placed before the next meeting concerned for ratification. He (Chairman or his nominee) shall represent the Federation in different organisations/institutions.

(34) (a) The Board of Directors shall appoint the Managing Director on such terms and conditions and for such period as it may decide.

(35) (i) The Managing Director shall act as the Chief Executive Officer of NAFED and shall conduct the business of the Federation and shall exercise control over the administration of NAFED subject to the overall control of the Chairman.

(ii) He shall advise the Board of Directors, Executive Committee, Business Committee and other Committees in framing the policies and programmes of the Federation and implement these after approval.

36. (a) The following shall be the duties of the Managing Director :

(i) to summon the meeting of the General Body, Board of Directors, Executive Committee, Business Committee and other Sub-Committees, etc. and participate in them but shall have no right to vote in matters pertaining to elections ;

(ii) to attend the meetings of the different committees and take necessary steps to implement the decisions taken in various meetings including matters

relating to purchase, sales storage, processing of agricultural and other commodities machinery, etc. and matters incidental thereto;

(iii) to be responsible for the general conduct, supervision and management of the day-to day business and affairs of NAFED ;

(iv) to ensure proper maintenance of accounts of the Federation in the prescribed manner;

(v) to receive all moneys and securities on behalf of NAFED and to arrange for the safe custody of cash records, properties and other securities of NAFED;

(vi) to assist in the inspection of books and records by various authorities empowered to do so under the Act, Rules and Bye-laws;

(vii) to institute conduct, defend compound or abandon any legal proceeding by or against NAFED or its employees or otherwise concerning the affairs of NAFED and also to compound and allow time for payment or satisfaction of any claims or demand by or against NAFED;

(viii) to certify copies of entries in the books under the Act;

(ix) to incur expenditure within the approved budget estimates ;

(x) to keep in safe custody all the registers and other papers in use of NAFED and other property of NAFED ;

(xi) to arrange for the safe custody of all moneys received by NAFED and all other properties of NAFED and for proper maintenance of accounts thereof and for investment of funds of NAFED subject to the provisions of the Act, Rules and directions of the Board of Directors/Executive Committee;

(xii) to sign all deposit receipts and operate on the accounts of NAFED with the Bank. He may delegate all or any of the powers, authorities and discretions vested in him to any employee/employees of NAFED, subject to the ultimate control and authority being retained by him;

(xiii) to sign receipts for moneys received by NAFED, and to operate on the accounts of NAFED in the banks;

(xiv) to be the officer of NAFED, to sue or to be sued on behalf of the NAFED and sign and execute bonds, agreements and other documents for and on behalf of NAFED ;

(xv) to determine the powers, duties and responsibilities of the employees of NAFED for ensuring proper conduct of the day-to-day business of NAFED ;

उक्त बाई लॉज से यह स्पष्ट है कि विपक्षी संस्थान केन्द्रीय सरकार के द्वारा संचालित नहीं है। विपक्षी संस्थान के सदस्यों में खंड 4 के अनुसार 8 श्रेणी के सदस्य हैं, जिसमें से भारतीय सरकार एक श्रेणी है। खंड-12 के अनुसार विपक्षी संस्थान की पूंजी भारतीय सरकार के द्वारा ही उपलब्ध कराई जाती हो, ऐसा भी नहीं है। विपक्षी संस्थान की अधिकृत अंश पूंजी 5 करोड़ होने का प्रावधान है, जिसमें से भारत सरकार एवं दूसरे सरकारी संगठन ने 25 लाख के मूल्य के शेयर धारित करने का प्रावधान है। विपक्षी संस्थान की जनरल बॉडी में बाई लॉज के खंड-4 में वर्णित सदस्यों में से प्रत्येक की ओर से एक के प्रतिनिधित्व का प्रावधान है व बाई लॉज के अनुसार न तो विपक्षी संस्थान की जनरल बॉडी में व न निदेशक मंडल में भारत सरकार का बहुमत है। बाई लॉज के अनुसार निदेशक मंडल अधिशासी समिति का गठन करते हैं, जिस खंड संध्या-32 कर्तव्यों के अनुसार अधिकार विये गये हैं व उनके कर्तव्यों का उल्लेख किया गया है। निदेश के अन्तर्गत, उपाध्यक्ष व प्रबंधक निदेशक की नियुक्ति भी निदेशक मंडल के द्वारा की जाती है। इस प्रकार विपक्षी संस्थान के बाई लॉज के अनुसार यह नहीं कहा जा सकता कि विपक्षी संस्थान भारत सरकार के अधिकारिता के रूप में कार्य करता है। उक्त विवेचन के आधार पर विपक्षी संस्थान न तो ऐसा उद्योग कहा जा सकता है जो कि केन्द्रीय सरकार के द्वारा संचालित हो अथवा केन्द्रीय सरकार के अधिकार के अधीन संचालित होता हो। अधिनियम, 1947 की धारा 2-ए के प्रावधानों के अनुसार अग्र्य औद्योगिक विवादों के संदर्भ में समुचित सरकार केन्द्र सरकार न होकर राज्य सरकार है।

अधिनियम, 1947 की धारा 10 के प्रावधानों के अनुसार औद्योगिक विवाद के अग्र्य निर्णय हेतु प्रेषित करने का क्षेत्राधिकार "समुचित सरकार" को है जो कि प्रस्तुत मामले में राज्य सरकार है, न कि केन्द्र सरकार।

उक्त निदेश आदेश केन्द्र सरकार के द्वारा अग्र्य निर्णय हेतु प्रेषित किया गया जो कि अधिनियम, 1947 की धारा 10 के अनुसार "समुचित सरकार" नहीं है। अतः निदेश आदेश अग्र्य न होने के कारण खारिज किया जाता है।

ह. -अपठनीय

पीठाधीन अधिकारी

नई दिल्ली, जून, 2001

का.प्र. 1654: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्र सरकार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अथवा न्यायालय बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/82/97-बाई.प्रार (डॉ.पू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1654.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 22-6-2001.

[No. L-42012/82/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT 'SHRAM SADAN', III-MAIN, III-CROSS, II-PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated: 30th May, 2001

PRESENT:

Hon'ble Shri V. N. Kulkarni, B.Com., LLB, Presiding Officer.

C.R. No. 52/98

I PARTY:

Shri N. Ningaraju
S/o Ningalah,
Mamballi,
Via Killegal
Yelandur Taluk,
Mysore District-570 001
Advocate—Shri Ganapathi Hegde.

II PARTY:

Deputy Secretary (Administration),
The Central Silk Board, No. 39, III Floor,
United Mansion
M. G. Road,
Bangalore-560 001
Advocate—R. Gururajan.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/82/97-IR(DU) dated 28th May, 1998 for adjudication on the following schedule:

SCHEDULE

"Whether the management of Central Silk Board is justified in dismissing Shri N. Ningaraju from services w.e.f. 26-3-1986? If not, to what relief the workman is entitled?"

2. The first party was working as the Field-cum-Laboratory Assistant at the Silkworm Seed Production Centre, Ramanagaram at the relevant point of time. He committed misconduct therefore charge sheet was issued. Enquiry was held and on the basis of enquiry report the workman was dismissed. Therefore industrial dispute is raised.

3. First party appeared and filed Claim Statement.

4. The case of the first party in brief is as under.

5. First party workman was employed by the second party w.e.f. 11-5-1981. He was working as Field-cum-Laboratory Assistant at Ramanagaram. The first party workman was working threat so the second party management filed a criminal complaint against the first party workman and later on dismissed him from the service. No domestic enquiry was conducted in accordance with law. The charges are not proved. Regarding enquiry many allegations are made by the first party in the Claim Statement. It is lastly said that the punishment is very severe, harsh cruel and disproportionate to the gravity of the charges levelled against him and it is a fit case to invoke the provisions of Section 11A of the I.D. Act. He belongs to schedule caste. The first party for these reasons has prayed to pass an award in his favour.

6. Second Party filed Counter.

7. The case of the Second party is that the explanation given by the workman was not correct so enquiry was ordered. The enquiry is proper and fair. Full opportunity was given to the workman during the enquiry and the allegations are not true and correct.

8. It is the further case of the Second party that during the period from 6-5-1981 to 5-2-1985 the first party workman was committed misappropriation as stated in para 3 of the Counter. All the charges were proved and some of the charges were admitted by the first party. The action of the management is correct. The second party for all these reasons has prayed to reject the reference.

9. It is seen from the records, for the purpose of domestic enquiry management examined one witness and workman got examined himself. Thereafter my learned predecessor by order dated 3-8-1999 answered the additional issue in the affirmative holding that the domestic enquiry is fair and proper. Thereafter the matter was posted for arguments.

10. In other words in view of the finding given by this tribunal holding domestic enquiry fair and proper now the only question arises for my consideration would be whether the punishment is proportionate or it is a fit case to take any lenient view.

11. It was vehemently argued by the learned counsel for the second party that the first party workman has admitted charges and has committed misappropriation. I have perused all the enquiry papers very carefully and it is clear that some of the charges are admitted by the first party workman himself. It is true that some of the charges are not proved but facts remains that misappropriation is proved.

12. It was argued by the learned counsel for the first party that criminal case was filed against the first party and the first party is acquitted. There is only misappropriation of Rs. 11,770 and therefore this is a fit case to take lenient view. At the very outset I am of the opinion that there is no merit in this submission. In view of the principles held in AIR 2000

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Supreme Court 3129 Janatha Bazar (South Kanara Central Co-operative Wholesale Stores Ltd.) etc. Appellants Vs. Secretary, Saliakari Noukarara Sangh etc. Respondents that misappropriation is for small or large amounts, or that past record of employee is unblemished is relevant.

13. Taking all this into consideration I am of the opinion that the first party workman is not entitled for any lenient view. It was also argued by the learned counsel for the first party is that the work entrusted was of different type then it was supposed to be done by the workman and the allegations are not correct and on this ground also lenient view may be taken and the first party workman be reinstated. I have already said that the misappropriation is proved and there are no grounds to take lenient view. Accordingly I am of the opinion that there is no merit in this reference and I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 30th May, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली 22 जून 2001

का.आ. 1655:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड टी.बी. डेम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/102/89-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1655.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman, which was received by the Central Government on 22-6-2001.

[No. L-42012/102/89-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT 'SHRAM SADAN', III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated : 13th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LL.B.,
Presiding Officer, CGIT-cum-Labour Court,
Bangalore.

C.R. No. 79/89

I PARTY :

1. Shri A. Chandra Shekar,
Hospet, Bellary
2. G. Narayana,
Hospet, Bellary
3. Sri Gollara Hemanna,
Bellary
(Advocate—Shri B. Vasudev)

II PARTY :

- (1) The Superintending Engineer, ..(1)
Irrigation Branch,
T.B. Board, T.B. Dam,
Bellary Dist.-583 104.
- (2) The Executive Engineer, ..(2)
LIC Division, Cantonment,
Bellary-583 104.
(Advocate—Shri B. G. Sridharan)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L1420121102/89-IR(DU) dated 15th November, 1989 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the Tungabhadra Board, T.B. Dam, Bellary District in termination the services of Shri A. Chandra Shekar is justified? If not, to what relief the workman is entitled to?"

2. The first party workman was working with second party from 1977. He was removed from work. Therefore dispute is raised.

3. First party appeared and filed Claim Statement.

4. The case of the first party in brief is as under :

5. The first party was working with the second party from 1977 onwards as literate mazdoor. He worked in Kurugod and some other placed. First party was paid Rs. 7.50 per day as daily wage and it was raised to Rs. 13.50 per day during his termination in 1984. The action of the management is not correct. He worked continuously for eight years and therefore the removal is illegal. The second party without following the procedure laid down in the Industrial Dispute Act terminated the first party from service. The

first party for these reasons has prayed to pass award in his favour.

6. Second party appeared and filed Counter.

7. The case of the Second party in brief is as under:

8. The claim is not maintainable as stated in para 1 of the Counter. It is the case of the Second Party that first party in CR No. 7/89 A. Chandrasekhar was engaged by the Board in 2/80 and worked intermittently till 9/84 and absented himself from 10/84 onwards. Similarly workman in CR No. 8/89 was engaged in 4/83 and worked intermittently till 9/86 and absented himself from 10/86. The allegation that the services of the first party was terminated by the board is not correct. In fact the workman has stayed away from the work. The claim is not maintainable.

9. It is seen from the records that on behalf of the Second Party MW1 is examined. On behalf of the first party WW1 is examined. I have read the evidence carefully. I have perused all the records. According to the evidence of WW1 the first party was working as daily wages worker with the second party. He has given details date wise in his evidence. The work which was done by the first party workman was not required through out the year continuously and the nature of the work was temporary casual. He has also stated that the workman is not entitled for an order of regularisation of service. From the evidence on record it is clear that the workman was working only as labourer and he was not a permanent employ of the second party. The first party was engaged for particular work.

10. Considering the material before me I am of the opinion that there is no merit in this reference. Accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 13th June, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली 22 जून, 2001

का.आ. 1656:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी.बी. डैम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण वैशलीर के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-4201/103/89-आई.आर. (डी.यु.)]

कुलदीप राय वर्मा, ईन्फ अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1656.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to

he management of Tungabhadra Board, T.B. Dam
and their workman, which was received by the Cen-
tral Government on 22-6-2001.

[No. L-42012/103/89-IR(DU)]

KULADIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT 'SHRAM SADAN', III MAIN, III CROSS,
II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 13th June, 2001

PRESENT :

Hon'ble V. N. Kulkarni, B.Com, LLB, Presiding
Officer.

CGIT-cum-Labour Court, Bangalore

C.R. No. 80/89

I PARTY

G. Narayana,
Kanavi Thimalapur,
Via Ramasagar,
Hospet Taluk,
Bellary District-583 101
(Advocate-Shri B. Vasudev)

II PARTY

The Superintending Engineer... (1)
Irrigation Branch,
T.B. Board, T.B. Dam
Bellary Dist.-583104.
The Executive Engineer... (2)
LIC Division, Cantonment,
Bellary-583 104.
(Advocate-Shri B. G. Sridharan)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/103/89-IR (DU) dated 15th November 1989 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Tungabhadra Board, T.B. Dam, Bellary District in termination the services of Shri G. Narayana is justified? If not, to what relief the workman is entitled to?"

2. The first party workman was working with second party from 19' 82. He was removed from work. Therefore dispute is raised.
3. First party appeared and filed Claim Statement.
4. The case of the first party in brief is as under;
5. The first party was working with the second party from 198' 2 onwards as literate mazdoor. He worked in Kurugod and some other places. First party was paid Rs. 7.50 per day as daily wage and it was raised to

Rs. 13.50 per day during his termination on 30-10-1986. The action of the management is not correct. He worked continuously for four years and therefore the removal is illegal. The second party without following the procedure laid down in the Industrial Dispute Act terminated the first party from service. The first party for these reasons has prayed to pass award in his favour.

6. Second party appeared and filed Counter.
7. The case of the second party in brief is as under;
8. The claim is not maintainable as stated in para 1 of the Counter. It is the case of the Second Party that first party in CR No. 79/89 a Chandrasekhar was engaged by the Board in 2/80 and worked intermittently till 9/84 and absented himself from 10/84 onwards. Similarly workman in this dispute (CR No. 80/89) was engaged in 4/83 and worked intermittently till 9/86 and absented himself from 10/86. The allegation that the services of the first party was terminated by the board is not correct. In fact the workman has stayed away from the work. The claim is not maintainable.
9. It is seen from the records that on behalf of the Second Party one witness Shri A. Shaikshavali is examined. According to his evidence first party was working as daily wages worker with the second party. He has given details of date wise working of the first party workman. Against this WW1 is examined for the first party. He admits in his cross examination that he joined as daily wages workman to dig canal work. He also admits that Luscar were appointed only for canal work.
10. From the evidence and records it is clear that the first party workman is not a permanent worker of the second party and he was working as daily wages worker and there is no merit in this reference.
11. Accordingly I proceed to pass the following order:

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 13th June 2001).

V. N. KULKARNI, Presiding Officer
नई दिल्ली, 22 जून, 2001

का.ग्रा. 1657.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी.बी. डैम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/104/89-आई.आर. (डी.यू.)
कुन्ददीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1657.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Board, T.B. Dam and their workman, which was received by the Central Government on 22-6-2001.

[No. L-42012/104/89-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR
COURT 'SHRAM SADAN', III MAIN,
III CROSS, II PHASE, TUMKUR ROAD
YESHWANTHPUR, BANGALORE

Dated : 30th May 2001

PRESENT:

Hon'ble Shri V. N. Kulkarni B.Com. LLB,
Presiding Officer.

C.R. No. 81/89

I PARTY

Shri Gollar Hemmanaa,
Kurugodu Post,
Bellary Distt.-583 101
Advocate-Shri B. Vasudev

II PARTY

1. The Superintending Engineer,
Irrigation Branch,
T.B. Board, T.B. Dam,
Bellary Distt.
2. The Executive Engineer,
LIC Division, Cantonment,
Bellary-583104
Advocate-Shri A. K. Bhat.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/104/89-IR (DU) dated 15th November 1989 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the Tungabhadra Board, T.B. Dam Bellary District in terminating the services of Shri Gollar Hemmanaa is justified? If not, to what relief the workman is entitled for?"

2. It is seen from the records that the management examined one witness A Shaikshavali as MW1. He says that he was working as clerk. First party was appointed as a daily wageer to do the work of cleaning of canal, to maintain the garden etc. The working dates of the first party are given. He is cross examined but nothing is made out from his cross examination to help the first party. The learned counsel for

the first party submitted that the first party is not interested in attending the court and adducing the evidence. Second party also not attending the proceedings. This is the matter of 1989. There is no purpose to keep pending this dispute so I have closed the case and perused the evidence of MW1. First party has not given the evidence to rebut the statement of MW1. The first party has not established that the termination is bad.

3. According to the Counsel appearing for the first party, the first party is not interested in attending the court so evidence of MW1 is sufficient to say that the action of the management is legal.

4. Taking all this into consideration I proceed to pass the following order:

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 30th May 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1658.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आल इंडिया रेडियो के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/127/97-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1658.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of All India Radio and their workman, which was received by the Central Government on 22-6-2001

[No. L-42012/127/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 62/95

रैफरेंस : केन्द्रीय सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश

क्रमांक 42012/127/92-आई.आर. (डी.यू.)

दिनांक 13-9-95

राम खिलावन पुत्र श्री रामदास प्लॉट नं. यू.यू. 239

मालाना इंगरी, बाईजी की कोठी, जयपुर।

बनाम

कार्यपालक इंजीनियर, पब्लिक कंस्ट्रक्शन विंग ऑल इण्डिया रेडियो, झालाना, डूंगरी रोड, जयपुर।

—अप्रार्थी

उपस्थित

पीठासीन अधिकारी: राजा राम वर्मा आर. जे. एच. एस.
 प्रार्थी की ओर से: श्री कुमाल रावत
 अप्रार्थी की ओर से: श्री बी. एस. गुर्जर
 दिनांक: 19-3-2001

अर्वाद

केन्द्र सरकार, श्रम मंत्रालय नई दिल्ली ने निम्न विवाद इस न्यायाधिकरण को वास्ते अधिनियम प्रेषित किया है:

"Whether the action of the management of All India Radio Civil Construction Wing in terminating the services of Shri Ram Khilwan is legal & justified? If not, to what relief the workman is entitled to?"

2. उपरोक्त रैफरेंस के संबंध में प्रार्थी राम खिलान ने स्टेटमेंट ऑफ क्लेम पेश किया, जिसमें उल्लेख किया गया है, कि अप्रार्थी विभाग द्वारा उसमें दूरदर्शन व रेडियो स्टेशन की बिल्डिंग का निर्माण करता व उसकी देख-रेख करना व अन्य कार्य लिया जाता था। प्रार्थी का कथन है कि अप्रार्थी विभाग में दिनांक 1-7-89 को उसे स्टोर चौकीदार के पद पर भर्ती किया गया था, तथा उसने दिनांक 1-7-89 से 17-11-90 तक लगातार कार्य किया तथा प्रार्थी श्रमिक को दूसरे चौकीदारों की तरह ही विभिन्न समय में काम दिया जाता था तथा उसके द्वारा जो कार्य किया जाता था उसका ड्यूटी चार्ट में प्रदर्शित किया जाता था। उसने अपनी नियुक्ति तिथि से ही बड़ी लगन व मेहनत से अप्रार्थी विभाग में कार्य किया, लेकिन अप्रार्थी द्वारा प्रार्थी को दिनांक 17-11-90 को मौखिक रूप से सेवा से मुक्त कर दिया। प्रार्थी ने सेवा मुक्ति की शिकायत सहायक श्रम आयुक्त (केन्द्रीय) को प्रस्तुत की किन्तु बातों बिफल हो गई तथा केन्द्र सरकार ने रैफरेंस नहीं किया, इसलिए सेंट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल में याचिका प्रस्तुत की, जिसमें केन्द्र सरकार को प्रार्थी का रैफरेंस भेजने के आदेश दिये, जिस पर यह रैफरेंस इस न्यायाधिकरण को भेजा गया। प्रार्थी श्रमिक ने स्टेटमेंट ऑफ क्लेम में यह उल्लेख किया है, कि उसका सेवामुक्त करने समय अप्रार्थी द्वारा औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम कहा जायेगा) की धारा 25-एफ के प्रावधानों की पालना नहीं की गई, जबकि प्रार्थी श्रमिक ने एक कलेंडर वर्ष में अप्रार्थी संस्थान में 240 दिन से अधिक कार्य किया। श्रमिक को सेवामुक्त करते समय न तो कोई जांच की गई और न ही कोई आरोप लगाया गया, न ही एक माह का नोटिस अथवा नोटिस पे एवं छंटनी सुझाव दिया गया। प्रार्थी श्रमिक ने उल्लेख किया है, कि उसके साथ नियुक्त कर्मचारी आज भी अप्रार्थी संस्थान में कार्यरत हैं, और नये श्रमिक अशोक कुमार, वीरभान, हीरा लाल, श्रीमती गीता देवी व अन्य श्रमिका की भती की गई

है। इस प्रकार धारा 25 जी व एच अधिनियम के प्रावधानों का भी उल्लंघन किया गया है। इस प्रकार अप्रार्थी संस्थान द्वारा अनुचित श्रम व्यवहार की नीति अपनाई गई है। क्लेम में यह भी उल्लेख किया है कि प्रार्थी की सेवा मुक्ति करने समय अधिनियम के नियम 77 व 78 के तहत कोई सूची भी नहीं बनाई गई। अतः प्रार्थी श्रमिक को जो दिनांक 18-11-90 की सेवाएं समाप्त की गई हैं, उसे अनुचित व अवैध तथा ग़ुब घोजित किया जाकर उसे सभी वेतन भत्तों व सेवा को निरन्तरता सहित पुनः सेवा में बहाल करने का अवार्ड पारित किया जाये।

3. अप्रार्थी विभाग ने क्लेम का जवाब प्रस्तुत किया, जिसमें क्लेम के तथ्यों को अस्वीकार करने हुए कहा है कि प्रार्थी ने अपने आनको स्टोर चौकीदार के पद पर भर्ती होने का उल्लेख किया है, परन्तु इस आशय का कोई आदेश या अन्य दस्तावेज प्रस्तुत नहीं किया है। प्रार्थी को कभी भी तथाकथित पद पर न तो नियुक्त किया गया न ही भर्ती किया गया, बल्कि प्रार्थी ने दिनांक 28-7-89 से 15-11-90 तक समय-समय पर आवश्यकतानुसार दैनिक वेतनभोगी के रूप में दैनिक मजदूरी पर बेलदार (मजदूर) के रूप में निर्माण कार्य में कार्य किया था। अतः इसका क्लेम इस आधार पर निरस्त किये जाने योग्य है, क्योंकि अप्रार्थी का कार्य समाप्त हो जाने के बाद प्रार्थी की सेवाएं स्वयंसेव समाप्त हो जाती हैं। अप्रार्थी की ओर से यह भी जवाब दिया गया कि उसको 1-7-89 से 17-11-90 तक लगातार कार्य नहीं किया बल्कि 1-1-90 से 31-1-90 के मध्य 16 दिन, 1-4-90 से 30-4-90 के मध्य 10 दिन कार्य किया, 1-8-90 से 22-8-90 के मध्य तथा 23-8-90 से 17-9-90 तक प्रार्थी की सेवाएं की आवश्यकता नहीं थी, क्योंकि न तो कार्य उपलब्ध था न ही ऐसे कार्य की आवश्यकता थी, जिसके लिए उसे दैनिक वेतनभोगी के रूप में नियुक्त किया जाता। अतः प्रार्थी के कार्य की उपलब्धता एवं आवश्यकता के अनुसार दैनिक वेतनभोगी श्रमिक (बेलदार) के रूप में उसे नियोजित किया जाता था और कार्य की समाप्ति के बाद उसकी सेवाओं की आवश्यकता नहीं होने के कारण स्वयं ही समाप्त हो जाती हैं। अतः इस आधार पर प्रस्तुत क्लेम निरस्त किया जाये। अप्रार्थी ने अपने जवाब में यह भी उल्लेख किया है, कि अप्रार्थी संस्थान अधिनियम की परिधि में नहीं आता है और प्रार्थी द्वारा महज 240 दिन कार्य करने के आधार पर ऐसा कोई आधार उपलब्ध नहीं होता, जिसके आधार पर औद्योगिक विवाद अधिनियम की धारा 25-एफ के प्रावधान लागू होते हैं, अतः प्रार्थी का क्लेम निरस्त किया जाये।

4. प्रार्थी राम खिलान ने अप्रार्थी द्वारा प्रस्तुत जवाब का रीजॉडण्डर प्रस्तुत किया है, जिसमें उल्लेख किया है, कि अप्रार्थी ने जो जवाब दिया है, वह स्वीकार नहीं है, क्योंकि तथ्यों को तोड़ मरोड़कर प्रस्तुत किया गया है। प्रार्थी श्रमिक को चौकीदार के पद पर भर्ती नहीं किये जाने के संबंध में जो जवाब प्रस्तुत किया गया है, यह गलत है,

क्योंकि प्रार्थी ने चौकीदार का कार्य ही करवाया जाता था, और इयूटी चार्ट के अनुसार उसमें चौकीदार का कार्य लिया जाता था, तथा उक्त इयूटी चार्ट की फोटोप्रति भी संलग्न की है। प्रार्थी ने यह भी कथन किया है, कि अप्रार्थी का यह कहना, कि उसे आकस्मिक कार्य के लिए रखा गया था, बिल्कुल गलत है क्योंकि प्रार्थी ने 1-7-89 से 17-11-90 तक लगातार कार्य किया है। अप्रार्थी द्वारा अक्तूबर माह में भी कार्य करवाया गया है, जिसके चार्ट की फोटो प्रति भी संलग्न की है।

5. प्रार्थी ने अपने क्लेम के समर्थन में, स्वयं का शपथ पत्र प्रस्तुत किया है, जिसमें विद्वान प्रतिनिधि अप्रार्थी ने जिरह की है, तथा अन्य दस्तावेजों की भी प्रदर्शित करवाया है जिनका विवेचन यथास्थान किया जाएगा। अप्रार्थी की ओर से श्री आर.एन. शर्मा का शपथ पत्र प्रस्तुत किया गया है, जिसमें विद्वान प्रतिनिधि प्रार्थी ने जिरह की है। इनके पश्चात् मैंने विद्वान प्रतिनिधिपक्ष उभय पक्ष की बहस सुनी तथा प्रस्तुत साक्ष्य का गंभीरतापूर्वक अध्ययन व मनन किया।

6. जहाँ तक अप्रार्थी आल इंडिया रेडियो का "उद्योग" नहीं होने का प्रश्न है, इस संबंध में विद्वान प्रतिनिधि अप्रार्थी द्वारा की गई आपत्ति से मैं सहमत नहीं हूँ क्योंकि माननीय उच्चतम न्यायालय ने अपने न्यायदृष्टान्त ए.पी.आर. 1998 (एन.सी.) पेज 941 आल इंडिया रेडियो बनाम संतोष कुमार तथा अन्य के मामले में यह प्रतिपादित किया है, कि आल इंडिया रेडियो तथा दूरदर्शन "उद्योग" की परिभाषा में आते हैं।

7. विद्वान प्रतिनिधि अप्रार्थी ने हमारे समक्ष इस संबंध में दौरान बहस कोई नर्क भी प्रस्तुत नहीं किया है। अतः यह विवाद अधिनियम के अन्तर्गत आता माना जाता है।

8. प्रस्तुत मामले में प्रार्थी राम खिलासन ने अप्रार्थी द्वारा उसे अधिनियम की धारा 25-एफ, जी व एच की उल्लंघना में सेवामुक्त किये जाने का उल्लेख किया है, तथा यह कहा है, कि उसे सेवा मुक्त किये जाने से पूर्व कोई नोटिस, नोटिस वेतन तथा छठनी का मुआवजा नहीं दिया। उसने अपने क्लेम में यह भी कहा है कि उसके बाद अप्रार्थी ने नये श्रमिकों को उनके स्थान पर रख लिया तथा इस प्रकार अधिनियम की धारा 25-एच व जी का उल्लंघन भी किया है तथा नियम 77 व 78 का भी उल्लंघन किया है। प्रार्थी ने अपने क्लेम के तथ्यों के संबंध में स्वयं का शपथ पत्र प्रस्तुत किया है, जिसमें उल्लेख किया है, कि उसकी नियुक्ति दिनांक 1-7-89 को चौकीदार के पद पर की गई थी, और उसने 17-11-90 तक अप्रार्थी संस्थान में कार्य किया, जिसके बाबत कोई जांच नहीं की न ही कोई नोटिस दिया, तथा उसने 240 दिन में अधिक कार्य एक कलेंडर वर्ष में किया है। शपथ पत्र में उसने यह भी उल्लेख किया है, कि उसकी सेवामुक्त करने के बाद सर्वश्री वीरभान, हीरा लाल व श्रीमती गोता देवी नामक अन्य श्रमिकों को भर्ती की गई है।

9. अप्रार्थी के साक्षी राज नारायण शर्मा ने अपने शपथ पत्र में यह कहा है कि प्रार्थी ने 28-7-89 से 15-11-90 तक समय-समय पर आवश्यकानुसार दैनिक वेतन भोगी के रूप में बेलदार के रूप में जब उसके कार्य की आवश्यकता होती थी, कार्य किया तथा उसने इस अवधि के 1-1-90 से 31-1-90 के मध्य 16 दिन, दिनांक 1-4-90 से 30-4-90 के मध्य 10 दिवस तक कार्य किया। दिनांक 1-5-90 से 22-5-90 तथा दिनांक 23-8-90 से 17-9-90 तक उसकी सेवाओं की आवश्यकता नहीं थी। इस प्रकार उसने 240 दिवस कार्य नहीं किया।

10. मैं अप्रार्थी के साक्षी द्वारा किये गये इन कथनों को तथा इस संबंध में अप्रार्थी द्वारा दिये गये जवाब से सहमत नहीं हूँ, क्योंकि अप्रार्थी के साक्षी राज नारायण शर्मा ने अपने कथन प्रतिपरीक्षण में यह कहा है, कि उसकी नियुक्ति जयपुर में 20-7-98 को हुई तथा वह व्यक्तिगत तौर पर नहीं जानता, रिकार्ड के आधार पर राम खिलासन बेलदार के पद पर कार्य करता था। अतः इसमें यह प्रकट होता है कि प्रार्थी के कार्य की प्रगति के दौरान यह साक्षी जयपुर में पद स्थापित नहीं था केवल रिकार्ड के आधार पर बयान देता है। इस साक्षी को जिरह समाप्त नहीं हुई इसी दौरान दिनांक 30-7-98 को प्रार्थी के प्रतिनिधि ने अप्रार्थी कार्यालय से रिकार्ड लाने को कहा गया, लेकिन अप्रार्थी की ओर से कोई रिकार्ड पेश नहीं किया गया। अतः यह नहीं माना जा सकता कि प्रार्थी ने अप्रार्थी के यहां 1-7-89 से 17-11-90 तक लगातार कार्य नहीं किया। क्योंकि प्रार्थी राम खिलासन ने अपने शपथपत्र में यह स्पष्ट रूप से कहा है, कि उसकी नियुक्ति चौकीदार के पद पर हुई और उसने 17-11-90 तक कार्य किया। प्रार्थी के इन तथ्यों के संबंध में कोई जिरह नहीं की गई है, बल्कि इस साक्षी ने जिरह में भी यह कहा है, कि उसने 1-7-89 से नवम्बर 1990 तक कार्य किया। ऐसी स्थिति में अप्रार्थी द्वारा यह कहना कि प्रार्थी ने केवल 1-1-90 से 31-1-90 व 4-1-90 से 30-4-90 तक ही कार्य किया हो, विश्वसनीय कथन नहीं है। अतः इस मामले में यह भलीभांति प्रमाणित होता है कि प्रार्थी राम खिलासन ने एक कलेंडर वर्ष में 240 दिन में अधिक कार्य अप्रार्थी संस्थान में किया है तथा प्रार्थी द्वारा प्रस्तुत दस्तावेज प्रदर्शक डब्ल्यू-3 व डब्ल्यू-4 जो कि इयूटी चार्ट है, के अन्तर्गत से भी यह प्रकट होता है कि उसकी इयूटी चौकीदार के पद पर लगाई गई है। चौकीदार का पद ऐसा पद है जो कि स्थायी प्रकृति का है और हमेशा रहने वाला है। अतः अप्रार्थी का यह कहना कि उसको केवल कार्य की आवश्यकता के लिए लगाया गया हो मानन योग्य नहीं है, बल्कि प्रार्थी द्वारा प्रस्तुत किये गये कथनों व दस्तावेजों से उसका चौकीदार के पद पर कार्यरत होना प्रमाणित होता है, क्योंकि प्रार्थी ने जिरह में भी इस बाबत एक भी प्रश्न नहीं पूछा गया, कि वह केवल बेलदार का ही काम करते हों।

11. प्रस्तुत मामले में यह तथ्य विद्वान प्रतिनिधि अप्रार्थी ने भी स्वीकार किया है कि उसे सेवा से पृथक् किया

गया उससे पूर्व एक माह का नोटिस अथवा नोटिस वेतन तथा छंटनी का मुआवजा नहीं दिया गया। ऐसी स्थिति में धारा 5 एफ अधिनियम के प्रावधानों का उल्लंघन अप्रार्थी द्वारा किया जाना अति-भाति परमाणित होता है। इसके अलावा प्रार्थी ने अपने कथनों में यह भी कहा है कि उसे सेवा से पृथक् किये जाने के पश्चात् उसके स्थान पर वीरभान हीरालाल व श्रीमती गीता देवी व अन्य श्रमियों की भर्ती की गई है।

12. अप्रार्थी के साक्षी राज नारायण ने प्रार्थी के कथनों के खंडन में यह कहा है कि वीरभान प्रार्थी से कहीं वरिष्ठ था तथा हीरालाल का चयन ड्राईवर के पद पर उसकी योग्यता के अनुसार हुआ है, तथा गीता देवी को चयन समिति द्वारा चपरासी के पद पर चयनित किया गया है जो कि नियमानुसार किया गया है। विद्वान प्रतिनिधि अप्रार्थी ने इस संबंध में कार्यालय टिप्पणी दिनांक 26-12-89 को प्रस्तुत किया है, जिसमें विभाग द्वारा विभाग के कर्मचारियों को चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त करने हेतु विभागीय पदोन्नति समिति का गठन किये जाने का उल्लेख है तथा एक अन्य कार्यालय टिप्पणी में इस बात का उल्लेख किया गया है कि श्री उमराव लाल श्रीमती गीता देवी व हनुमान सहाय, वीरेंद्र कुमार व राम खिलान को चतुर्थ श्रेणी कर्मचारी के बंधन के लिए योग्य माना लेकिन उमराव लाल, गीता देवी तथा वीरेंद्र कुमार द्वारा इस पद के लिए प्रार्थना पत्र प्रस्तुत किया गया।

13. विद्वान प्रतिनिधि प्रार्थी के इस तर्क के संबंध में प्रार्थी के प्रतिनिधि ने यह तर्क दिया है कि उक्त चयन के संबंध में प्रार्थी को कोई नोटिस नहीं दिया गया। विद्वान प्रतिनिधि प्रार्थी ने अगले इन तर्कों के संबंध में अप्रार्थी के साक्षी राज नारायण के कथन प्रतिपरीक्षण की ओर हमारा ध्यान आकषिप्त किया तथा कहा कि साक्षी राज नारायण ने अपने कथन प्रतिपरीक्षण में यह माना है, कि राम खिलान को इन्टरव्यू का नोटिस नहीं दिया क्योंकि वह विभाग का ही केन्डीडेट था इसलिए सूचना नहीं दी जाती है। डी. पी. सी. से उसे रिजैक्ट करने की सूचना भी नहीं दी। मैं विद्वान प्रतिनिधि प्रार्थी के इस तर्क से पूर्ण रूप से सहमत हूँ कि जब डी.पी.सी. द्वारा चतुर्थ श्रेणी कर्मचारी का चयन किया तो वास्तव में प्रार्थी राम खिलान उक्त पद के इन्टरव्यू होने की तिथि से अवगत नहीं कराया। इस बात को अप्रार्थी के साक्षी राज नारायण ने भी अपने कथन प्रतिपरीक्षण में माना है। अतः इससे साबित है कि अप्रार्थी ने अनुचित श्रम व्यवहार की नीति अपनाई है।

14. उपरोक्त विवेचन से प्रार्थी द्वारा प्रस्तुत क्लेम स्वीकार किया जाता है प्रार्थी राम खिलान को अप्रार्थी विभाग द्वारा छंटनी करने से पूर्व एक माह का नोटिस, नोटिस पे व छंटनी का मुआवजा नहीं दिया जाकर धारा 25-एफ अधिनियम के प्रावधानों का उल्लंघन किया गया है, जबकि प्रार्थी राम खिलान ने अप्रार्थी संस्थान में एक कनैण्डर वर्ष में 240 दिन से अधिक कार्य किया है।

अतः अप्रार्थी द्वारा प्रार्थी राम खिलान को जो सेवा से पृथक् किया गया है, वह आदेश अनुचित एवं अवैध है और निरस्त किये जाने योग्य है। प्रकरण में उपरोक्त विवेचन के आधार पर निम्न प्रवाइड पारित किया जाता है।

"1. आल इण्डिया रेडियो मिडिल कन्स्ट्रक्शन विंग द्वारा प्रार्थी राम खिलान की सेवाएं समाप्त किया जाना उचित एवं वैध नहीं है। प्रार्थी विभाग की सेवाओं में पुनः बहाल किये जाने का अधिकारी है।

2. प्रार्थी राम खिलान सेवा मुक्ति की तिथि से पुनः सेवा में बहाल किये जाने तक की तिथि के दफाया वेतन का 50 प्रतिशत व अन्य सम्बन्ध लाभ, जो कि सेवा में रहते हुये उसे प्राप्त होते, प्राप्त करने का अधिकारी है।

3. प्रार्थी की सेवा की निरन्तरता कायम रहेगी।"

15. अर्वाइड अज दिनांक 19-3-2001 को खुले न्यायालय में लिखाया जाकर भुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जाये।

राजा राम वर्मा, न्यायाधीश

नई दिल्ली, 22 जून, 2001

का.आ. 1659.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेराइन प्रोडक्ट्स एक्सपोर्ट डेवलपमेंट अथॉरिटी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल-42012/146/97-प्रार्.आ. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1659.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Marine Products Export Development Authority and their workman, which was received by the Central Government, on 22-6-2001.

[No. L-42012/146/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

PRESENT :

Sri S. K. Dhal, OSJS (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-
Labour Court, Bhubaneswar.

Industrial Dispute Case No. Tr. I.D. 173/2001

Dated, Bhubaneswar, the 11th June, 2001

BETWEEN

Shri Pratap Kr. Sishu Goswamy,
At. Bentapur Jagiri P.S. Baliania,
P.O. Bhatapatna, Distt. Khurda.
... Complainant-Workman.

AND

The Management of the Marine
Products Export Development
Authority, Bhubaneswar. ... Management.

APPEARANCES :

Shri Pratap Kr. Sishu Goswamy—For Himself—
Workman.

Shri B. C. Behera, Dy Director—For the Manage-
ment.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L/42012/146/97/IR(DU), dated 17-6-1998 :—

“Whether the management of Marine Products Export Development Authority is an Industry? If yes, whether the action of the Management by retrenching Sh. Pratap Kumar Sishu Goswami is legal and justified? If not, what relief the workman is entitled to?”

2. The case of the workman may be stated in brief :—

3. The workman was appointed as a Jr. Clerk by the 2nd Party-Management (hereinafter called the Management) on 2-6-1995. The function of the Management is to assist the Prawn cultivating Industries. Its duty is of aqua culture is to give technological advice to the Prawn Cultivating Industries besides exporting the prawn. The grievance of the workman is that he was allowed to draw a consolidated salary of Rs. 1000 per month. He was further pleaded that the Management adopted un-fare labour practice in order to deprive him to become regular by issuing appointment order one after another after 89 days. Lastly on 30-4-1996 his services was terminated without complying the provisions under section 25 F of I.D. Act. The workman

raised the dispute before the A.L.C.(C) Bhubaneswar. As the reconciliation failed, the matter was referred to the Government of India (Ministry of Labour) who referred the matter to this Tribunal for answering the questions as stated above.

4. The Management in their written statement has taken the stand that the Management does come under the definition of Industry so there is no industrial dispute between the parties. It is further pleaded that the workman being a casual labourer working on daily wage basis he is not entitled for regularisation. They have pleaded that the workman was engaged for a specific period and for specific jobs so that would not confirm on him the status of permanent workman. So they have prayed to answer the reference in their favour on the ground that the Management does not come under the definition of Industry and the workman is not entitled to be regularised and he is not entitled for any relief.

5. On the above pleadings of the parties the following issues have been settled :—

I. Whether the Management is an Industry?

II. Whether the retrenchment of the workman by the Management is legal and justified?

III. To what relief the workman is entitled to?

6. On behalf of the workman one witness has been examined and he is the workman himself. No evidence has been adduced on behalf of the Management. Both the parties have filed some documents in support of their case.

FINDINGS

ISSUE NO. I

7. The main contention of the Management is that it does not come under the definition of Industry. According to the Management the Marine products Export Development Authority is, by legislation, a specially designed authority discharging the sovereign functions on behalf of Union of India, on the order words Union of India is discharging the Sovereign functions through the Marine Products Export Development Authority dealing with the domestic service especially to various domestic industries engaged in marine products of India and is excluded from the list and definition of Industry. In this connection, a copy of the letter of the Govt. of India (Ministry of Labour) has been placed into service by the Management wherein the Govt. of India (Ministry of Labour) have intimated that the establishment of the Management being an autonomous body created under the Act of Parliament and governed by its own constitution and rules made thereunder is an Independent legal entity and not fall in the jurisdiction of Central Government as defined r/s. 2(a)(i)(b)(6) & (7) of the I.D. Act. No rebuttal material have been placed by the workman to satisfy this Tribunal that the Management is coming under the definition of an Industry. So in my opinion the submission made on behalf of the Management that it is not coming under the definition of Industry has got sufficient force. So this issue is answered in favour of the Management.

ISSUE No. II

8. The workman in his claim statement has stated that he was paid a consolidated salary of Rs. 1000 and his appointment order was for 89 days. The case of the management is that the workman was working as a casual labourer on daily wage basis. Placing reliance in the case of Himansu Kumar Bidyarthi and Others, Vs. State of Bihar and Others reported in 1997(2) SLR 570 which has been submitted on behalf of the Management that temporary employees working on daily wages have no right to hold the post and their dis-engagement from the services cannot be construed to be retrenchment under the I.D. Act. The workman in his examination-in-chief has stated that he was not being paid his wages. In his pleadings also he has stated that his appointment as Jr. Clerk was temporary. He had not worked for 240 days without any break. So when he is a temporary employee working on daily wages he has no right to hold the post. His dis-engagement from services can not be construed to be retrenchment as put forth by the workman. So in face of the above materials I am of the opinion that the workman being a casual labourer working on daily wages basis is not entitled for regularisation and his dis-engagement can not be construed as retrenchment. Hence, this Issue is also answered in favour of the Management.

ISSUE NO. III

In view of the findings in respect of Issue Nos. I and II the workman is not entitled for any relief.

The reference is answered accordingly.

Dictated and corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1660—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल सिल्क बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एस-42012/203/94-आई.आर. (सी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1660.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 22-6-2001.

[No. L-42012/203/94-IR(DU)]

KULDIP RAI, VERMA, Desk Officer

2063 QI/2001—20

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, 'SHRAM SADAN', III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated : 1st June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, Bcom. LLB
Presiding Officer
C.R. No. 90/97

I PARTY :

G. Honoji Rao,
Chikka Marenahalli,
No. 381/A, Mathikere,
Devasandra,
Bangalore-560054,
Advocate-Shri S. Narahari.

II PARTY :

The Member Secretary,
Central Silk Board,
United Mansion, II Floor,
39, M. G. Road,
Bangalore-1.

Advocate-Shri N. S. N. Swamy.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/203/94-IR(DU) dated 27-12-95 for adjudication on the following schedule :—

SCHEDULE

“Whether the action of the management of Central Silk Board is justified in terminating the services of Shri Honoji Rao ? If not, to what relief he is entitled to ?”

2. First party was working with the second party. There was misconduct and charge sheet was issued. Enquiry was held and his services were terminated. Therefore this dispute is raised.

3. First party appeared and filed Claim Statement.

4. The case of the first party in brief is as under :

5. His case is that he was working as an Attender and during January 1992 he was available treatment at St. John's Medical College Hospital. He was transferred to K. R. Pet, Mandya District. The disciplinary proceedings initiated against him are not correct. The enquiry held by the Second party is not proper and no opportunity was given to him to defend himself. The enquiry was conducted the enquiry behind the back of the first party. The action of the management is not correct. The first party faced great hardship and he left his family which is also suffering. The first party for these reasons has prayed to pass award in his favour.

6. Second party appeared and filed Counter.

7. The case of the Second party in brief is as under :

8. The case of the second party is that first party was negligent and careless in discharging his duties. He was in the habit of coming to work by consuming liquor during office hours. In spite of warnings he did not improve himself. He was transferred to avoid complications. Instead of attending to his work he stated disturbing the neighbours in the residential complex of the Second party. Charge sheet was issued and enquiry was held. He assaulted the lady workers. The action of the management is correct and the punishment is proper. The second party for these reasons has prayed to reject the reference.

9. It is seen from the records that MW1 was examined on behalf of the management. My learned predecessor by order dated 15-7-99 has held the additional issue in affirmative holding that the domestic enquiry is fair and proper. Thereafter the matter was posted for arguments on merits. I have heard both the sides in detail. It was vehemently argued by the learned counsel for the management that on previous occasions also some minor punishments were imposed but the first party did not improve himself.

10. I have read all the enquiry papers carefully and evidence recorded during the enquiry. There is no prevarity in the finding given by the Enquiry Authority. Charges are proved. The main charge against the first party is that he came to office during office hours having consumed liquor and assaulted two lady workers and therefore, the punishment imposed is proper. During the relevant period first party was not keeping well. He was taking treatment for some mental disorder. It was further argued that he was in a distress condition. Looking to the status of the first party and other lady workers, the punishment imposed by the management for the incident of assaulting lady workers by consuming liquor is very harsh. The first party is without any work and his family is suffering, one more chance may be given to reform himself and lenient view may be taken and this is a fit case to

invoke the provisions of Section 11 of the ID Act. I have given my best consideration to the material before me. The learned counsel for the first party also relied AIR 1989 Supreme Court 149. I have read the above decision carefully.

11. Keeping in mind the principles held in the above decision I am of the opinion that this is a fit case to invoke provisions of Section 11 of the ID Act. It is held by the Hon'ble Court in the above decision that justice must be tempered with mercy and that the erring workman should be given an opportunity to reform himself and prove to be a loyal and disciplined employee of the petitioner company. It cannot therefore be said that merely because the Labour Court had found the enquiry to be fair and lawful and the findings not to be vitiated in any manner, it ought not to have interfered with the order of termination of service passed against the respondent in exercise of its powers under Section 6(2A) of the Act.

12. Taking all this into consideration I feel ends of justice will meet if order of reinstatement from the date of termination is passed in favour of first party without any back wages. Accordingly I proceed to pass the following order :

ORDER

The reference is partly allowed and the order of termination if set aside. The second party is directed to reinstate the first party to his original post from the date on which he was terminated. In the given circumstances back wages are not allowed. Before parting this matter I would like to observe that the first party will conduct himself in future in such a manner as to prove himself to be a dedicated employee in the public sector concerned. Accordingly the reference is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 1st June, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 जून, 2001

का.प्रा. 1661—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सदन रेलवे, मद्रास के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-06-2001 को प्राप्त हुआ था।

[सं. एल-41012/110/91-आई आर (डी)/(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th June, 2001

S.O. 1661.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of Southern Railway, Madras and their workmen, which was received by the Central Government on 16-06-2001.

[No. L-41012/110/91-IR(D)/(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 31st May, 2001

Present : K. KARTHIKEYAN,

PRESIDING OFFICER

INDUSTRIAL DISPUTE NO. 376/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 28/92)

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the Workman Shri S.P. Mani and the Management, Southern Railway, Madras.)

BETWEEN

Shri S.P. Mani I Party/Workman

AND

The General Manager, II Party/Management
Southern Railway,
Madras.

Appearance :

For the Workman M/s. T. Fenn Walter
and W. Fredrick Castro
Walter Advocates

For the Management Sri R. Venugopalan,
Advocate

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-41012/110/91-IR (D) Dt. p 24-03-1992 :

“Whether the action of the Management of Southern Railway in terminating the services of Shri S.P. Mani, Pointsman ‘B’ Thiruchirappali Division is justified? If not, to what relief he is entitled?”

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 28/92. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry, after setting aside the Award earlier passed ex-parte, the case was transferred from the file of Tamil Nadu State Industrial Tribunal as per the orders of transfer

by the Central Govt., to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D. No. 376/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 19-02-2001.

3. When the matter was taken up for enquiry on 19-02-2001, the I Party Smt. M. Valarmathi, impleaded as the legal representative of the I Party/Workman since deceased alone was present. The II Party and the counsel on either side were not present. So the case was adjourned to 07-03-2001 for enquiry. On that day the counsel on either side and both the parties were absent. On a Petition, on behalf of the I Party counsel's representative, the case was adjourned to 23-3-2001. As the Presiding Officer was away on Camp Court, the case was re-posted to 16-04-2001 for enquiry. Though the case was adjourned to 16-4-2001, 30-4-2001, 14-05-2001, the I Party, the legal representative of the deceased Workman and the counsel for the I Party was not present. For all these hearings, the counsel for the II Party alone was present. As the case is pending for adjudication ever since the year 1992 from the date of reference made by the Central Govt. and happens to be an old case for file, the case was adjourned to finally for enquiry on 31-05-2001.

4. When the matter was taken up for enquiry to-day 31-05-2001, the counsel for the Legal Representative for the I Party/Workman, and the wife of the deceased workman, legal representative are not present. There is no representation for the widow. Though this case has been posted for to-day for enquiry as a last chance after posted twice earlier finally for enquiry neither the I Party counsel nor the L/R of the deceased workman, who prefers to prosecute this case by coming on record has not chosen to appear before this Court to prosecute this case further. From this it is seen that the Legal Representative cum widow of the deceased workman is not at all interested in this case to avail the benefits accrued to her as a legal heir of the I Party/Workman by proving her claim. This attitude of the said widow enables this Tribunal to conclude that no dispute worth mentioning is now in existence between the parties for this Tribunal to adjudicate.

5. In the result, it is held that ‘No dispute’ exists between the parties. Accordingly, as award is passed as ‘No Dispute Award’. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st, May, 2001).

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 18 जून, 2001

का.प्र. 1662.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्वन रेलवे, जोधपुर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-2001 को प्राप्त हुआ था।

[सं. एल-41012/69/98-आई.प्रार.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th June, 2001

S. O. 1662.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Jodhpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway, Jodhpur and their workman, which was received by the Central Government. on 16-6-2001.

[No. L-41012/69/98-IR (B-1)]

AJAY KUMAR, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी :—श्री राजेन्द्र कुमार आचाणू,
प्रार. एच. जे. एल. प्रौ. वि. (केन्द्रीय) सं. :—3/99

श्री नैनुराम पुत्र श्री मूलचन्द राव निवासी डेगाना
जिला नागौर।

—प्रार्थी

बनाम

श्री बिबीजनल मैनेजर, उत्तर रेलवे, जोधपुर—प्रप्रार्थी

व्यवस्थापित :—

(1) प्रार्थी की ओर से श्री जितेन्द्र गहलोत प्रतिनिधि

(2) प्रप्रार्थी की ओर से श्री मनोज भण्डारी प्रतिनिधि

अधिनियम

दिनांक 24-4-2001

भारत सरकार के श्रम मंत्रालय नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 41012/69/98-आई.प्रार. (बी.-I) दिनांक 12-1-1999 से निम्न विवाद वास्ते अधिनियम इस न्यायालय को प्रेषित किया है।

“Whether the action of the management of Northern Railway, Jodhpur in terminating the service of Shri Nenuram S/o Shri Mulchan, Ex. Khalasi w.e.f. 7-11-82 is legal and justified? If not what relief the concerned workman is entitled?”

प्रार्थी ने अपनी मांग-पत्र प्रस्तुत करते हुये अधिकृत किया है कि प्रार्थी की नियुक्ति प्रप्रार्थी के यहाँ वर्ष 1974 में दैनिक वेतन भोगी श्रमिक के रूप में की गई, प्रार्थी को प्रतिमाह 180/- रुपये वेतन पर रखा गया, प्रार्थी ने प्रप्रार्थी के यहाँ 1-1-81 तक केजुमल सेबर के रूप में कार्य किया तथा उसे दिनांक 2-1-81 से 6-11-82 तक स्थाई कर दिया गया, प्रार्थी ने नियुक्ति की तिथि से लगातार बिना किसी ब्रेक के कार्य किया तथा प्रार्थी की सेवायें 7-11-82 को मौखिक आदेश से समाप्त कर दी गई, सेवा समाप्ति से पूर्व के एक वर्ष की अवधि में व पूर्ववर्ती वर्षों में लगातार कार्य किया, लेकिन उसे सेवा-पूयक करने से पूर्व कोई नोटिस नहीं दिया, कोई आरोप-पत्र नहीं दिया न ही कोई जांच की गई न ही छंटनी मुआवजा दिया गया अतः प्रार्थी की सेवा समाप्ति में धारा 25-एफ और वि० अधिनियम के प्रावधानों का उल्लंघन किया गया है। प्रप्रार्थी ने जो वरिष्ठता सूची दिनांक 1-8-78 को बनाई उसमें प्रार्थी का नाम क्रम सं. 109 पर था, प्रार्थी के साथ बूढ़ाराम को भी नियुक्त किया जिसका नाम क्रम सं. 145 पर था, प्रार्थी को बिना ओफर दिये प्रार्थी से कनिष्ठ बूढ़ाराम को सेवा में रखा व उसे स्थाई भी कर दिया जो गैर कानूनी है। सेवा समाप्ति के पश्चात् प्रार्थी ने कई बार प्रप्रार्थी से पुनः सेवा में रखने हेतु निवेदन किया तथा लिखित में भी आवेदन दिये, लेकिन प्रार्थी को सेवा में नहीं रखा। प्रार्थी का कथन है कि उसकी सेवा समाप्ति में विपक्षी ने धारा 25-एफ, 25-जी, 25-एच के प्रावधानों का उल्लंघन किया गया है। यह भी कहा है कि इसकी सेवा समाप्ति के पश्चात् 10-10-97 को जोगाराम को सेवा में रखा, परसराम को 10-10-97 को सेवा में रखा, हरीराम को 26-8-98 को सेवा में रखा व नथूराम को 26-8-98 को सेवा में रखा, इसी प्रकार रामेश्वर लाल जाट व सुमकरण को भी 26-8-98 को सेवा में रखा, इसके अलावा 80 खजामियों की नियुक्ति भी की गई। अन्त में प्रार्थना की है कि प्रार्थी के सेवा मुक्ति आदेश को निरस्त करते हुये प्रार्थी को पुनः सेवा में लगातार मानते हुये पुनर्स्थापित किया जावे व तमाम बैक वेजेज दिलाया जावे।

प्रप्रार्थी की ओर से जवाब प्रस्तुत करते हुये कहा गया है कि प्रार्थी ने उक्त प्रकरण सेवा समाप्ति के 14 वर्ष पश्चात् प्रस्तुत किया है, प्रार्थी को कभी भी स्थाई नहीं किया गया, प्रार्थी ने कथित सेवा मुक्ति दिनांक 6-11-82 से पहले निर्माण निरीक्षक डेगाना के पास एक अस्थायी केजुमल दैनिक वेतन भोगी कर्मचारी के रूप में कार्य किया तथा 6-11-85 के पश्चात् स्वयं ही मौकरी पर नहीं आया, प्रार्थी ने कभी भी प्रप्रार्थी के यहाँ लगातार कार्य नहीं किया, प्रार्थी ने 7-11-82 से एक वर्ष की अवधि में लगातार कार्य नहीं किया, प्रार्थी स्वयं ही बिना प्रशासन को सूचना दिये सेवायें छोड़कर चला गया इसलिये प्रार्थी की कथित सेवा मुक्ति छंटनी की परिभाषा में नहीं

प्राप्ती। बरिष्ठता सूची बनाने के पश्चात् प्राप्ती न चयनित हेतु उपलब्ध हुआ न ही उसने सेवा पर लगातार कार्य किया, प्राप्ती का यह कथन कि उससे कनिष्ठ को स्थाई कर दिया गया, सर्वथा गलत है। रेलवे संस्था द्वारा सरकूलर परिपत्र संस्था 9349 दिनांक 21-9-87 जारी किया गया जिसके अन्तर्गत यदि कोई कर्मचारी दो कैलेंडर वर्ष तक सेवा पर नहीं आता है तो उसे सेवा मुक्त समझा जावेगा, प्राप्ती पुनः सेवा में आने का प्रयत्न अधिकार खो चुका है, जोगाराम की नियुक्ति से प्राप्ती का कोई सम्बन्ध नहीं है, ऐसी नियुक्ति कार्मिक शाखा द्वारा चयन करने के पश्चात् ही की जाती है, प्राप्ती के मामले में विपक्षी द्वारा धारा 25(एफ) व 25(बी) के प्रावधानों का उल्लंघन किये जाने का प्रश्न ही नहीं उठता तथा औद्योगिक विवाद अधिनियम के प्रावधान प्राप्ती के मामले में लागू नहीं होते। अन्त में जवाब के माध्यम से निवेदन किया है कि मांग-पत्र 14 साल पश्चात् किया गया है अतः प्राप्ती का मांग-पत्र सध्य खारिज किया जावे।

प्राप्ती ने अपने मांग-पत्र की तारीख में स्वयं अपना शपथ-पत्र प्रस्तुत किया जिस पर अप्राप्ती प्रतिनिधि द्वारा जिरह की गई तथा अप्राप्ती की ओर से एन.डी. मेहता सहायक अभियन्ता का शपथ-पत्र प्रस्तुत किया गया जिस पर प्राप्ती प्रतिनिधि द्वारा जिरह की गई। प्राप्ती की ओर से कोई दस्तावेजी साक्ष्य प्रस्तुत नहीं की गई है। अप्राप्ती की ओर से दस्तावेजी साक्ष्य में परिपत्र दिनांक 21-2-87 व परिपत्र सं. 83/85 की फोटो स्टेट प्रतियां प्रस्तुत की गई हैं।

मैंने दोनों पक्षों के विद्वान प्रतिनिधीगण की बहस सुनी, पढ़ावली का अधलोकन किया।

सर्वप्रथम इस प्रकरण में यह देखा जाना है कि क्या प्राप्ती ने सेवा समाप्ति की तिथि 7-11-82 से पूर्व के एक वर्ष में लगातार 240 दिन से अधिक कार्य किया अथवा नहीं। इस संबंध में प्राप्ती ने अपने शपथ-पत्र की जिरह में कहा है कि मुझे आई. डब्ल्यू. डेगाना मेशन के पद पर लगाया, कैजुअल लेबर के पद पर लगाया, मुझे 1974 में लगाया गया, मुझे कैजुअल लेबर कार्ड जारी हुआ था, मैंने 6-11-82 तक कार्य किया, यह गलत है कि मैं स्वयं नौकरी पर नहीं आया, मुझे नौकरी पर नहीं रखा गया, मुझे नौकरी से हटाने का कोई लिखित आदेश नहीं दिया गया, मैंने चार साल बाव रजिस्ट्री से पक्ष भेजा था, यह गलत है कि मैं सेवा में उपस्थित नहीं रहता था, यह गलत है कि 6-11-1981 से 5-11-1982 तक मैंने लगातार सेवा नहीं की, मैंने कैजुअल लेबर कार्ड सबसे पहले समझौता कोर्ट में प्रस्तुत किया, 14 वर्ष में प्रथम बार समझौता अधिकारी के समक्ष कार्ड प्रस्तुत किया, मैंने हटायें जाने के पिछले वर्ष में लगातार कार्य किया, मैं पिछले 14 वर्ष से घर बैठा हूँ।

विपक्षी के गवाह एन.डी. मेहता ने अपने शपथ-पत्र की जिरह में कहा है कि दिनांक 1-1-81 तक प्राप्ती ने हमारे यहां निरन्तर कार्य नहीं किया, 2-1-81 से 6-11-82 तक की अवधि में प्राप्ती को नौकरी पर रखा गया, यह

कहना गलत है। दिनांक 7-11-82 को हमारे यहां से नौकरी से नहीं निकाला, नोटिस, छंटनी का मुद्रावजा नहीं दिया, 6-11-82 को प्राप्ती नौकरी पर नहीं आया, हमने प्राप्ती को नोटिस हाजिर होने का नहीं दिया, हमने कोई चार्जशीट, नोटिस नहीं दिया, दैनिक वेतन भोगी पर नियम लागू नहीं होता। बरिष्ठता सूची में नैनुराम का नाम क्रम सं. 109 पर हो यह कहना गलत है, बादाराम पुत्र नानुराम को बाव में नियमानुसार स्थायी किया होगा, प्राप्ती, ने आई.प्रो. डब्ल्यू. डेगाना में नौकरी का निवेदन नहीं किया, हाजरी सीट पर रखी जाती, उसी सीट पर वेतन भुगतान किया जाता था। प्राप्ती से संबंधित 19 साल का पुराना रिकार्ड उपलब्ध होना सम्भव नहीं है, प्राप्ती अपने क्लेम को स्वयं साबित करेगा। बाव में नौकरी का ओफर कभी प्राप्ती को नहीं किया। प्राप्ती ने नौकरी से निकालने से पूर्व 12 माह में निरन्तर 240 दिन कार्य किया हो तो रिकार्ड से पता हो सकता है, मुझे पता नहीं।

प्राप्ती ने सेवा समाप्ति से पूर्व के वर्ष में लगातार 240 दिन कार्य किया या नहीं, इस तथ्य को सिद्ध करने का भार प्राप्ती पर है, हालांकि प्राप्ती ने अपनी जिरह में कहा है कि उसने 6-11-82 तक कार्य किया, इस तथ्य को भी गलत बताया है कि उसने 6-11-81 से 5-11-82 तक कार्य नहीं किया हो। लेकिन किसी भी दस्तावेजी साक्ष्य से प्राप्ती ने यह सिद्ध करने का प्रयास नहीं किया है कि उसने सेवा समाप्ति से पूर्व के वर्ष में लगातार 240 दिन या इससे अधिक का कार्य किया। प्राप्ती अपनी जिरह में यह कहता है कि उसे कैजुअल लेबर कार्ड जारी हुआ था, कार्ड उसके पास है, लेकिन उसने प्रस्तुत नहीं किया, स्वयं कहता है कि 14 वर्ष में प्रथम बार समझौता अधिकारी के समक्ष कार्ड प्रस्तुत किया था जब प्राप्ती के पास कैजुअल लेबर कार्ड उपलब्ध था तो उसे न्यायालय में प्रस्तुत करना चाहिये था या अन्य कोई दस्तावेज जिससे यह सिद्ध होता हो कि प्राप्ती ने 7-11-82 से पूर्व के वर्ष में लगातार कार्य किया, पेश किया जाना चाहिये था या विपक्षी से पेश करवाये जाने हेतु प्रार्थना-पत्र देना चाहिये था। लेकिन प्राप्ती ने ऐसा कुछ भी नहीं किया है। प्राप्ती ने तो अपने शपथ-पत्र में यहां तक कह दिया है कि उसे 2-1-81 से 6-11-82 तक स्थाई कर दिया था, लेकिन प्राप्ती के उक्त तथ्य का खण्डन विपक्षी के गवाह ने अपनी जिरह में स्पष्ट रूप से किया है। विपक्षी के गवाह ने जिरह में स्पष्ट रूप से कहा है कि प्राप्ती 6-11-82 को नौकरी पर नहीं आया। इस प्रकार उपरोक्त साक्ष्य से यह प्रमाणित नहीं होता कि प्राप्ती ने सेवा समाप्ति से पूर्व के वर्ष में लगातार 240 दिन या इससे अधिक कार्य किया हो।

अप्राप्ती के विद्वान प्रतिनिधि ने तर्क प्रस्तुत किया कि प्राप्ती ने कभी भी विपक्षी के अधीन लगातार कार्य नहीं किया तथा 6-11-82 को नौकरी पर नहीं आया तथा स्वतः ही कार्य छोड़कर चला गया। जब कि प्राप्ती के विद्वान प्रतिनिधि का तर्क है कि प्राप्ती ने स्वतः सेवा नहीं

व्यापी बल्कि प्रार्थी को सेवा से निकाला गया। हालांकि विपक्षी के गवाह ने अपने शपथ-पत्र की जिरह में कहा है कि प्रार्थी को नौकरी से अनुपस्थित रहने का कोई नोटिस नहीं दिया, नहीं देने का कारण यह बताया गया कि दैनिक वेतन भोगी कर्मचारियों के लिये अनुपस्थिति का नोटिस देने या जांच करने का कोई नियम नहीं है। लेकिन स्वयं प्रार्थी का कृत्य भी देखा जाये तो प्रार्थी ने अपने शपथ-पत्र की जिरह में कहा है कि उसने नौकरी से हटाने के बाद कुछ नहीं किया तथा नौकरी से हटाने के चार साल बाद रजिस्ट्री से पद भेजा, प्रार्थी को यह भी याद नहीं कि उसने रजिस्ट्री फोन से महीने में व कौन से साल में करवाई। स्वयं प्रार्थी यह कहता है कि उसने केंद्रप्रभु सेवर का कार्य सर्वप्रथम 14 साल पश्चात् श्रम समझौता अधिकारी के समक्ष प्रस्तुत किया था, प्रार्थी अपने मांग-पत्र व शपथ-पत्र में कहता है कि उसने पुनः नौकरी पर लेने हेतु 12-5-89 व 10-6-89 को लिखित में प्रतिवेदन दिये। जिसका अप्रार्थी के गवाह ने खण्डन करते हुये कहा है कि ऐसे कोई पत्र अप्रार्थी को नहीं मिले, स्वयं प्रार्थी ने भी ऐसे पत्रों की फोटो प्रतियां न्यायालय के समक्ष प्रस्तुत नहीं की है। जब प्रार्थी को विपक्षी ने 7-11-82 को ही सेवा से निकाल दिया था तो प्रार्थी का यह कर्तव्य था कि वह तुरन्त ही श्रम समझौता अधिकारी के समक्ष कार्यवाही करना लेकिन उसने ऐसी कोई कार्यवाही तुरन्त नहीं की व घर पर बैठा रहा जिससे यह आभास होता है कि श्रमिक स्वयं जानता था कि उसके सेवा समाप्ति से पूर्व के वर्ष में लगातार 240 दिन नह होते हैं। इस आधार पर भी यह विश्वसनीय प्रतीत होता है कि प्रार्थी स्वतः सेवा छोड़कर चला गया। अप्रार्थी की ओर से दो परिपत्र रिकार्ड पर प्रस्तुत किये गये हैं जिनके अवलोकन से प्रकट होता है कि यदि कोई कर्मचारी दो कलेंडर वर्ष तक सेवा पर नहीं आता है है तो उसे सेवा पृथक् समझा जायेगा। यदि यह माना भी जाये कि प्रार्थी को 7-11-82 को सेवा से हटा दिया गया था तो भी प्रार्थी का यह कर्तव्य था कि उसे तुरन्त ही इस संबंध में विभाग के समक्ष कार्यवाही करनी चाहिये थी, लेकिन प्रार्थी ने ऐसा नहीं किया व 14 साल पश्चात् प्रकरण न्यायालय में प्रस्तुत किया जिस देरी का कोई समुचित कारण भी नहीं बताया है, जिससे भी यह प्रमाणित होता है कि प्रार्थी स्वतः सेवा छोड़कर चला गया। अप्रार्थी के विद्वान प्रतिनिधि ने अपने तर्कों के समर्थन में ए.आई. आर. 2000 सुप्रीम कोर्ट 839 दी नैबुगादी बैंक लि. बनाम के.पी. माधवकुर्ती व अन्य, (1998) सुप्रीम कोर्ट केसेज 733 (8) स्टेट आफ हरियाणा बनाम ग्रामप्रकाश व अन्य, (2000) 5 सुप्रीम कोर्ट केसेज-65 सिन्डीकेट बैंक बनाम जनरल सैक्रेट्री सिन्डीकेट बैंक स्टाफ एसोसिएशन व अन्य, व 1999 (2) वैस्टर्न ला केसेज (राज.) 420 विजयमह चारण बनाम मैनेजमेंट श्री खेतानगर नाकोड़ा पाश्चिमाय तीर्थ मथानगर व अन्य प्रस्तुत किये हैं। मैने उक्त नजीरों का आदरपूर्वक

सम्मान अवलोकन किया, उपरोक्त नजीरों में प्रतिपादित सिद्धांतों के तथ्य प्रस्तुत प्रकरण में पूर्णतः मेल खाते हैं।

उपरोक्त विस्तृत विवेचन के आधार पर मैं इस निष्कर्ष पर पहुँचा हूँ कि प्रार्थी ने अप्रार्थी के अधीन सेवा समाप्ति से पूर्व के वर्ष में लगातार 240 दिन कार्य नहीं किया तथा प्रार्थी स्वतः सेवामें छोड़कर चला गया व प्रार्थी ने सेवा समाप्ति के पश्चात् 14 वर्ष की लम्बी अवधि तक कोई कार्यवाही नहीं की। अतः प्रार्थी इस प्रकरण में कोई राहत विपक्षी नियोजक से प्राप्त करने का अधिकारी नहीं रहता है।

अधिनिर्णय

अतः यह अधिनिर्णय किया जाता है कि प्रबन्धक उत्तर रेलवे जोधपुर द्वारा श्रमिक श्री नैनु राम पुत्र श्री मूलचन्द खलासी की सेवा समाप्ति 7-11-82 से नहीं की गई बल्कि स्वयं प्रार्थी 7-11-82 से अप्रार्थी नियोजक के यहां अनुपस्थित रहा। अतः प्रार्थी की स्वेच्छिक अनुपस्थिति से हुई सेवा समाप्ति पूर्णतः उचित एवं वैध है। प्रार्थी कोई राहत अप्रार्थी नियोजक से प्राप्त करने का अधिकारी नहीं है।

यह अधिनिर्णय आज दिनांक 24-4-2001 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

राजेन्द्र कुमार चाचाण, न्यायाधीश

नई दिल्ली, 18 जून, 2001

का.प्रा. 1663:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं. एल-17012/52/92-आईआर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th June, 2001

S.O. 1663:—In Pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman which was received by the Central Government on 15-6-2001.

[No. L 17012/52/92-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT 'SHRAM SADAN', III MAIN,
III CROSS, II PHASE, TUMKUR ROAD, YESH-
WANTHPUR, BANGALORE

DATED : 30th MAY, 2001

PRESENT : Hon'ble Shri V. N. Kulkarni,
B com. LLB
Presiding Officer

C.R. No. 15/93

I PARTY

Shri M. Narayana
Development Officer,
Life Insurance Corporation of India,
Udupi Division,
Kandavara Village,
Kandapura Taluk,
D. K. District,
Karnataka.

Advocate : Shri A.J. Srinivasan

II PARTY

Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
Udupi.

Advocate : Shri V.C. Brahmamarayappa

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L 17012/52/92 IR (B) dated 16-2-93 for adjudication on the following schedule :

SCHEDULE

"Whether the management of LIC of India Divisional Office, Udupi is justified in terminating the services of Shri M. Narayana Ex-Probationary Development Officer w.e.f. 1-10-91? If not what relief the workman is entitled to?"

2. It is seen from the records that since 11th April 2001 three dates were given and parties and counsels remained absent. It appears that first party is not interested in this case.

3. I have perused the records. The first party filed Claim Statement contenting that he was appointed as Probationary Development Officer w.e.f. 3-10-89. He was working with the second party. He was terminated. The action of the second party is illegal therefore, he has prayed to pass award in his favour.

4. Second Party appeared and filed objections.

The contentions of the second party is that order of discharge was made under the provisions of Staff Regulation 14 of the Staff Regulations, 1960. It was made during the period of probation. After the amendment to Section 48 of the Life Insurance Corporation Act, the Staff Regulations framed under Section 49 of the LIC Act governs the service conditions of the employees of the Corporation notwithstanding anything contained in the Industrial Disputes Act. The law laid down by the Supreme Court in M. Venugopal Vs the Divisional Manager, LIC of India, Machalipattanam (AIR 1994 SC 1343) and also in LIC of India and another Vs. R.S. Kulkarni (AIR 1986 SC 327) is binding on all authorities.

5. So far as performance for the period between 3-10-89 to 2-10-90, a review was made on 6-11-90 and the probationary period was extended. The performance was recorded and found unsatisfactory and he was discharged. The second party therefore prayed to reject the claim.

6. It is seen from the records that a preliminary objection was raised contending that the dismissal was under Regulation 14 of the Staff Regulations. It was said that the provisions of Industrial Disputes Act are excluded in view of the management and this court has no jurisdiction and IA No. 1 was rejected.

7. It is seen from the records that the second party referred Writ petition No. 1025/1995 and the High Court of Karnataka disposed of writ petition stating that if the petitioner feels that the decision on the preliminary issue is incorrect and that the applicant is not a worker, it is open to them to challenge the order of the Labour Court after final adjudication is adverse to him.

8. With this background I will now proceed to consider the evidence produced by the parties.

9. Shri Hiriyanna Ithal, Administrative Officer is examined as MW1 and according to his evidence first party was appointed as an Apprentice Development Officer as per Ex M1. The period was for one year w.e.f. 3-10-88. His performance was reviewed and the defects have been pointed out. Again his performance was reviewed. The Apprenticeship period was successful and the first party was designated as Probationary Development Officer as per Ex M-4 dated 11-12-89. His appointment was given w.e.f. 3-10-89. Seven review reports were prepared. It is the further evidence that the first party during his Probationary Period without obtaining leave remained absent from 16-4-90. Warning letter was issued as per Ex M-12. Probationary period was extended for 12 months. He has further stated that the performance was not satisfactory. Finally it was found

that the performance were not good and he has been discharged w.e.f. 1-1-91. The discharge was under section 14 of LIC Staff Regulations 1960. He is cross examined at length. But nothing is made out from his cross examination which can help the first party.

10. Against this first party given evidence. His evidence is that he joined the second party under Apprenticeship as a Development Officer in the year 1988. He has given detailed evidence about the service. He admit that he received Ex. M.-12 indicating thereon certain deficiencies in his work and conduct. He says that it is true that period of extension for one year was to perform his duties to reach the target and he was removed from service before completing his second year of extended period.

11. I have carefully read the evidence. Even after giving four adjournment both sides remained absent and advocates have not argued the matter. Therefore I closed the case and posted for award.

12. In view of the fact that both parties have not adduced arguments I have carefully read all the documents and evidence before me. It is clear from the evidence of MW1 that the apprenticeship of first party was not satisfactory and first party being apprentice he was rightly discharged from duty. There is no merit in this reference. First party failed to appear and argue the matter on the points as stated in the objections. Objections remained as it is. On merit I am of the opinion that the Probationary period was not satisfactory therefore first party was discharged.

13. I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 30th May 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 जून, 2001

का.आ. 1664.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक होम फाइनेंस लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/

अथ न्यायालय, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं.एल-12012/406/95-आईआर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th June, 2001

S.O. 1664.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank Home Finance Ltd. and their workmen, which was received by the Central Government on 15-6-2001.

[No. L-12012/406/95-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT : BHUBANESWAR

Present :

Shri S.K. Dhal, OSJS (Sr. Branch), Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE No. 118/2001

Dated, Bhubaneswar, the 7th June 2001

Between :

Andhra Bank Home Finance Ltd., Plot No. 269,
First Floor, Madhusudhan Nagar, Bhubaneswar.
..Management

And

Shri Pramod Kumar Barik,
At. Guamunda, P.O. Bhitari Andhri,
Distt. Jagatsinghpur.

..Claimant.

Appearance :

Mr. Abhaya Charan Mishra
Asst. Vice President ..For Management

Shri Pramod Kumar Barik ..For Himself

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following disputes for adjudication

vide their Order No. L-12012/406/95/IR(B-II), dated 4-3-1997:—

FINDINGS

ISSUE No. 1

It has been submitted on behalf of the claimant that, the oral evidence of the claimant who has been examined as Witness No. 1 is considered and accepted. The only conclusion that would be arrived is that he was a casual labourer working on daily wage basis. But on the other hand on behalf of the workman/claimant it has been urged that the documents produced by him supported his oral evidence has clearly established that he was appointed as a regular employee of the Management. The evidence of the claimant in the Examination is that, he got information from Sr. Vice President of Andhra Bank Home Finance Limited that a post of Office Assistant is available to be filled up in his Office. So he submitted his Bio Data and thereafter he joined the establishment and worked there and he was given to understand by the Management that formal order of appointment will be issued to him after consultation with the Head Office. His further evidence goes to show that, he was being paid monthly salary of Rs. 1,200. He appoints with intermittent breaks in his employment. He has produced some vouchers in support of his claims. After going through the evidence of the workman given in Examination in Chief I am of the opinion that he has failed to prove that he was appointed as a regular employee. In the Examination in Chief he has stated that no letter of appointment was issued to him. He has admitted in the Examination in Chief is that there were breaks in his employment. In the cross examination in Para-4 he has categorically admitted that he was being paid a sum of Rs. 1,200 per month on monthly basis as wages. So in the face of the above admission of the claimant himself I am of the opinion that he was a casual labourer appointed on daily wage basis. In Para-5 of the cross examination he also further state that there was an advertisement in the bank in respect of a regular vacancy. He applied but was not called for the interview. The qualification fixed for the post was Commerce graduate having 1st Class degree where he was only simply a Commerce Graduate. On the other hand the evidence of the D.W. No. 1 supports the case of the Management that the claimant was not a regular employee but was a casual labourer working on daily wage basis. The D.W. 1 of the Management also stated in Examination in Chief is that there was a written test and an interview was conducted but the claimant was not a candidate for the post. He has further stated that the claimant had no requisite qualification required for the Post. Vouchers submitted on behalf of the claimant which has exhibited in this

"Whether the action of the Management of Andhra Bank Home Finance Ltd. in terminating the services of Shri Pramod Kumar Barik is legal and justified? If not, to what relief the said workman is entitled?"

2. The claimant in his statement of claim has pleaded that he was engaged as an Office Assistant in Bhubaneswar Branch of the Management with effect from 23-3-1992. He worked continuously but his services were shown some breaks in the records of the Management. After his engagement as Office Assistant he did all clerical works. After working as such continuously for about 430 days on 12-6-1993 the Management illegally refused further employment to the claimant without any reason. No prior notice was given to him nor any compensation was paid to him. According to the claimant it amounts to retrenchment with the meaning of sec. 2(00) of I.D. Act and there has been violation of Sec. 25(f) of the Rules. So he brought the dispute before the Regional Labour Commissioner (Central) and after failure of reconciliation the matter was referred to the Government of India (Ministry of Labour) who subsequently made reference.

3. After appearance of the Management he filed the written statement. The Management have taken the stand that the claimant was never appointed as Office Assistant. He was working on daily wage basis from March 1992 to June 1993 with breaks. As there is no appointment the question of termination does not arise. The claimant being a casual labourer working on daily wage basis there is no scope for any termination of his services. It has been further pleaded that non-engagement of the claimant who was a casual labourer does not amount to retrenchment. The further stand was taken that the Management is not an Industry within the scope and ambit of I.D. Act.

4. On the above pleadings of the parties the following issues have been settled.

ISSUES

1. Whether the action of the Management of Andhra Bank Home Finance Limited in terminating the services of Shri Pramod Kumar Barik is legal and justified?
2. If not, to what relief the said workman is entitled?
5. On behalf of the workman/claimant one witness has been examined and he is the workman himself. The Management has examined two witnesses in support of their pleadings. The workman/claimant has filed some documents i.e. the copy of vouchers and certificates granted by the Management.

case as 1,1/1, 1/2, and 1/3 reveals that some consolidated amount was paid to the claimant. So in that case, it can not said that he was drawing salary as a regular employee. Admittedly there has been breaks in his employment. So I find much force in the submission made on behalf of the Management that the claimant being a daily wage employee can not claim for regularisation and his dis-engagement can not be treated as retrenchment. The case of Shri Himanshu Kumar Vidyarthi and others Vers. State of Bihar and others reported in AIR1997 SC 3657 has been relied upon by the Management. In that case it has been observed by their Lordship "that in case of temporary employees working on daily wages, their dis-engagement from service can not be construed to be retrenchment under the Industrial Dispute Act. It was further held that, the concept of retrenchment can not be stretched to such an extent as to cover these employees". I am of the opinion this case clearly supports the case of the Management. So in my opinion the claimant has failed to establish that his dis-engagement amounts to retrenchment on the other words the action of the Management in refusing employment to the claimant Shri P.K. Barik is not illegal or unjustified. Hence this issue is answered in favour of the Management.

Issue No. II

In view of the above findings the workman is not entitled for any relief.

Hence, the reference is answered accordingly.
Dictated & Corrected by me.

S.K. DHAL, Presiding Officer

नई दिल्ली, 18 जून, 2001

का.आ. 1665:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध विवादों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/थम न्यायिक बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-01 को प्राप्त हुआ था।

[सं. एन-12012/292/96-आर्द्धार (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th June 2001

S.O. 1665.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 15-6-01.

[No. L-12012/292/96-IR(B-II)]

/ JAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, YESHWANTHPUR, BANGALORE

Dated : 31st May, 2001

Present : Hon' ble shri V. N. Kulkarni B. Com LLB
Presiding Officer

C.R.No.261/97.

I PARTY

The General Secretary,
Syndicate Bank Staff
Association, Ananda
Plaza, II Floor, Near
Ananda Rao Circle,
Bangalore-9
Advocate-Shri N. G.
Phadke

II PARTY

The Zonal Manager,
Syndicate Bank Zonal
Office, Gandhinagar,
Bangalore-9
Advocate-Shri N.
Venkatesh

AWARD

- The Central Government by exercising the powers conferred by clause(d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No.L-12012/-292/96/IR(B-II) dated 14th August 1997 for adjudication on the following schedule.

SCHEDULE

- "Whether the management of Syndicate Bank is justified in terminating the services of Shri K. R. Ramesh from service? If not, to what relief the said workman is entitled?"
- The first party filed Claim Statement. The case of the first party is as under:
- The first party workman joined the second party bank as temporary attender on 5-4-1984 and he has continuously worked for 240 days. The management has absorbed other attenders and terminated the services of this workman. Therefore the action of the management is illegal and has prayed that award may be passed in his favour.
- The management filed Written Statement. The case of the management in brief is as under.
- The main contention of the management is that the workman continues to be in the panel of temporary attenders and the Bank has not removed his name from the panel. The question of regularising the services as a permanent attender arises only when there is a vacancy and he is found eligible and suitable by the Bank. As and when a

vacancy arises, the first party's case will be considered in accordance with rules for the purpose of regularisation. For these reasons the management prayed to reject the reference.

6. During the pendency of the proceeding the matter was posted for evidence. The learned counsel for the second party management submitted that after the termination again the first party is taken on work and he is attending duties as an Attender. He also submitted that the workman will be regularised on seniority basis. The learned counsel for the first party and the President of the Union submitted that the direction be given to regularise the workman as per seniority and the matter be disposed off.

7. I have considered the statements made by both parties and I allow the reference and pass the following order.

ORDER

The reference is allowed and the management is directed to regularise the workman according to Seniority. Accordingly the matter is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 31st May, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 जून, 2001

का.आ. 1666:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुसूद्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय जोधपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं. एल-12011/30/95-आईआर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th June, 2001

S.O. 1666.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Jodhpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 15-6-2001.

[No. L-12011/30/95-IR(B-II)]

AJAY KUMAR, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, जोधपुर
पीठासीन अधिकारी :—श्री राजेन्द्र कुमार चाचाण, आर.
एच. जे. एम. आर्. वि. (केन्द्रीय) स. 5/97

राज्य सचिव बैंक ऑफ बड़ौदा स्टाफ यूनियन
राजस्थान मार्फत बैंक आफ बड़ौदा सोजर्नगैट जोधपुर

—प्राथी

बनान

क्षेत्रीय प्रबन्धक (जोधपुर जॉन) बैंक ऑफ बड़ौदा
क्षेत्रीय कार्यालय 63, फर्स्ट फावटा जोधपुर—अप्राथी
उपस्थिति :—

(1) प्राथी की ओर से श्री विजय मेहता प्रतिनिधि उप.

(2) अप्राथी की ओर से श्री जे. के. चाण्डा, प्रतिनिधि उप.

अधिनियम

दिनांक 4-11-2001

भारत सरकार के श्रम मंत्रालय ने अपनी अधिसूचना सं. एल.-12011/30/95-आई.आर. (बी-II) दिनांक 7-1-97 से दिम्त विवाद वाले अधिनियम इस न्यायालय को प्रेषित किया है :—

“Whether the action of management though Regional Manager Bank of Baroda, Jodhpur is not paying the O.T. to the employees of Chhappar and Rajaldesar Branch of Bank of Baroda for the day (i.e. 27-12-94) declared as holiday as per Negotiable Instrument Act, is legal and justified? If not, what relief is the concerned workers entitled?”

प्राथी की ओर से मांगपत्र इस आणय का प्रस्तुत किया गया है कि बैंक आफ बड़ौदा राष्ट्रीकृत बैंक है जो भारत सरकार के स्वामित्व में है, कर्मचारियों की सेवा शर्तें उद्योग स्तर पर हुये विभिन्न द्विपक्षीय समझौतों के तहत निर्धारित व निर्गमित होती है तथा कर्मचारियों को ओवरटाईम विद्वक्षीय समझौता दिनांक 19-10-1969 के पैरा 14.6 से 14.19 के तहत देय है इन प्रावधानों के अनुसार जब भी कोई छुट्टी होती है तब उस दिन के लिये गये कार्य के लिये ओवरटाईम देय होगा। दिनांक 27-12-94 को विनिमय माध्य विदेश अधिनियम के तहत राजस्थान सरकार द्वारा अवकाज घोषित किया गया था व इसकी अधिसूचना 26-12-94 को सक्षम प्राधिकारी को प्राप्त हो गई थी व सक्षम प्राधिकारी क्षेत्रीय प्रबन्धक जोधपुर को भी प्राप्त हो गई तथा क्षेत्रीय प्रबन्धक इसकी सूचना सभी शाखाओं को दे दी थी। दिनांक 27-12-94 को अवकाश घोषित होने के बाद भी छुट्टी व राजस्थान शाखाओं में सामान्य कामकाज हुआ चूंकि घोषित अवकाश के दिन कर्मचारियों से काम लिया गया है अतः द्विपक्षीय समझौते के प्रावधानों के तहत कर्मचारियों को ओवर टाईम प्रदा करने का अधिकार है। अतः प्रार्थना की है कि बैंक प्रबन्धक को

निर्देश दिये जायें कि सर्वप्रती के प्रावधानों के तहत उन सभी कर्मचारियों को ओवरटाईम देने का भुगतान करें जिन्होंने 27-12-94 को कार्य किया है।

अप्रार्थी की ओर से जवाब प्रस्तुत करने हुये कहा है कि पक्षकारों के मध्य समय-समय पर द्विपक्षीय समझौते होते रहे हैं, समझौता दिनांक 19-10-69 के पैरा सं. 14.6 में ओवरटाईम अदायगी को शर्त तय की गई है, परन्तु उक्त पैरे से स्पष्ट है कि कर्मचारियों की सहमति के विरुद्ध बैंक कार्यालय के समय के अतिरिक्त बुलायेगी तब ओवरटाईम राशि देय होगी दिनांक 27-12-94 को विनियम साध्य बिलेख अधिनियम के अन्तर्गत राजस्थान में अवकाश घोषित किया गया था जिसकी सूचना उसी दिन प्राप्त हुई थी तथा कार्यालय समय में सूचना प्राप्त होने के कारण दूरस्थ स्थित विभिन्न शाखाओं को जरिये टेलीग्राम/टेलीफोन सूचित किया गया था कर्मचारी किसी भी प्रकार के ओवरटाईम प्राप्त करने के अधिकारी नहीं हैं। माननीय केन्द्रीय औद्योगिक अधिकरण बम्बई द्वारा रेफरेंस सं. 2/38/88 ग्रीनलेइज बैंक प्रशासन बनाम कर्मचारीगण के विवाद में दिनांक 26-6-91 के निर्णय में यह स्पष्ट रूप से प्रतिपादित किया है कि विनियम साध्य बिलेख अधिनियम के अन्तर्गत अवकाश घोषित होने पर भी अगर कर्मचारीगण नियमित कार्य करते हैं तो भी कर्मचारीगण को ओवरटाईम देय नहीं होता है। अतः प्रार्थीगण इस प्रकरण में कोई ओवरटाईम की राशि प्राप्त करने के अधिकारी नहीं हैं। प्रार्थीगण का प्रार्थनापत्र निरस्त किया जावे।

प्रार्थी की ओर से श्री के.के. बंग राज्य सचिव यूनियन का शपथपत्र प्रस्तुत किया गया है जिस पर अप्रार्थी द्वारा जिरह की गई है तथा विपक्षी की ओर से भूराराम चौधरी का शपथपत्र प्रस्तुत किया गया जिस पर प्राथी प्रतिनिधि द्वारा जिरह की गई।

मैंने दोनों पक्षों के विद्वान प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया। प्रार्थी की ओर से द्विपक्षीय समझौता दिनांक 19-10-69 के पैरा 14.6 व 14.19 की फोटो स्टेट प्रतियाँ प्रस्तुत की गई।

प्राथी के विद्वान प्रतिनिधि का तर्क है कि द्विपक्षीय समझौता दिनांक 19-10-69 के पैरा 14.6 से 14.19 के तहत कर्मचारियों को ओवरटाईम देय है और चूंकि 27-12-94 को कर्मचारियों ने बैंक में कार्य किया और उस दिन अवकाश घोषित हो चुका था अतः द्विपक्षीय समझौते के प्रावधानों के तहत कर्मचारी ओवरटाईम प्राप्त करने के अधिकारी हैं।

अप्रार्थी के विद्वान प्रतिनिधि का तर्क है कि 19-10-69 के द्विपक्षीय समझौते में ओवरटाईम की शर्त है लेकिन यदि कर्मचारियों की सहमति के विरुद्ध उनसे कार्य लिया जाता है तो ओवरटाईम देय है दिनांक 27-12-94 अवकाश घोषित हुआ जिसकी सूचना उसी दिन प्राप्त

हुई अतः दूरस्थ शाखाओं में समय पर सूचना नहीं हो सकी जिसके कारण कर्मचारीगण ओवरटाईम की राशि प्राप्त करने के अधिकारी नहीं हैं। अप्रार्थी ने अपने तर्कों के समर्थन में हावर्स ऑफ वर्क एण्ड ओवरटाईम के नियम पेश किये हैं।

मैंने तर्कों पर मनन किया।

प्रार्थी के गवाह के.के. बंग ने अपने शपथपत्र की जिरह में कहा है कि 27-12-94 को मंगलवार था उस दिन अवकाश था क्योंकि उस दिन पूर्व राष्ट्रपति जैल सिंह का निधन हुआ था उस छुट्टी की घोषणा 26-12-94 को एक अधिसूचना द्वारा की गई थी, यह अधिसूचना अंचल कार्यालय व क्षेत्रीय कार्यालय, जोधपुर को उसी दिन प्राप्त हो गई थी यह अधिसूचना क्षेत्रीय कार्यालय, जोधपुर को करीब दिन में 12 बजे प्राप्त हो गई थी व उन्होंने यह सूचना टेलीफोन द्वारा मेरी शाखा में करीब एक बजे दे दी, छापरा तथा राजलदेसर शाखाओं में टेलीफोन द्वारा सूचना दी थी, दोनों शाखाओं को मेरे सामने टेलीफोन पर सूचना नहीं दी गई थी। यह सही है कि दिनांक 27-12-94 को दोनों शाखाओं के शाखा प्रबन्धक ने स्टाफ को विशेष तौर से नहीं बुलाया था वे स्वयं रुटीन के कार्य हेतु आये थे, स्टाफ को यह पता था कि आज अवकाश था, अवकाश होने के बावजूद शाखा प्रबन्धक आदेश दे सकना है कि काम किया जावे, मेरे सामने किसी प्रबन्धक ने काम करने हेतु आदेश नहीं दिये शाखा प्रबन्धक के आदेशानुसार ही ओवरटाईम का भुगतान किया जाता है।

अप्रार्थी के गवाह भूरागम ने अपने शपथपत्र की जिरह में कहा है कि पूर्व राष्ट्रपति के स्वर्गवास होने से अवकाश होने की सूचना क्षेत्रीय कार्यालय में सुबह दस बजे आयी थी, टेलीफोन अंचल कार्यालय से आया था, शाखा छापरा व शाखा राजलदेसर को अवकाश की सूचना टेलीफोन पर दी गई, हमने यह सूचना लीड बैंक चरु व सुजानगढ़ शाखा को दी जहां से इन शाखाओं को टेलीफोन पर सूचना दी गई होगी, मेरी जानकारी में यह नहीं है कि क्षेत्रीय कार्यालय जोधपुर में 26-12-94 को ही 27-12-94 के अवकाश की सूचना नाटिफिकेशन सहित प्राप्त हो गई। अवकाश के दिन भी कार्य करने पर ओवरटाईम नहीं दिया जाता है, यदि किसी कारणवश अवकाश की सूचना देरी से मिली हो तो भी ओवरटाईम नहीं मिलना चाहिये क्योंकि बैंक ने तो उन्हें ओवरटाईम करने के लिये कहा नहीं।

उपरोक्त साध्य से यह तो स्पष्ट होता है कि अवकाश की सूचना दिन के लगभग 10 बजे प्राप्त हो गई थी तथा क्षेत्रीय कार्यालय, जोधपुर द्वारा उक्त सूचना अन्य शाखाओं को जरिये टेलीग्राम टेलीफोन से कर दी गई थी यह भी स्पष्ट है कि छापरा तथा राजलदेसर शाखाओं को यह सूचना सुजानगढ़ व चरु शाखा के माध्यम

New Delhi, the 18th June, 2001

मे सबेरे साढ़े दस-भारह बजे दे दी गई थी, यह भी साक्ष्य से प्रमाणित है कि अवकाश के दिन भी कार्य कराने पर ओवरटाईम नहीं दिया जाता है, यदि किसी कारण अवकाश की सूचना देरी से मिलती है तो भी ओवरटाईम नहीं दिया जाता। अप्रार्थी की ओर से तथा स्वयं प्रार्थी की ओर से प्रस्तुत हावर्स आफ वर्क एण्ड ओवरटाईम के नियम पेश किये गये हैं जिनका भी अवलोकन किया गया इसके नियम 14.9 में स्पष्ट प्रावधान है कि अगर कोई अवकाश पूर्ण या आधा नेगोशिएबल इन्स्ट्रुमट एक्ट के तहत घोषित किया जायेगा तो वह बैंक के लिये नॉर्मल वर्किंग डेज माना जायेगा तथा बैंक ऐसे अवकाश में कर्मचारियों से काम करवा सकता है इसके लिये कर्मचारी का ओवरटाईम का अधिकार नहीं बनता। दियों को देखने से यह भी स्पष्ट है कि बैंक कर्मचारियों की गहमति के विरुद्ध बैंक कार्यालय समय के अनिश्चित बनाये तथे ही ओवरटाईम राशि देय होगी। उपरोक्त साक्ष्य व नियमों से स्पष्ट है कि दिनांक 27-12-94 को बैंक के किसी अधिकारी ने कर्मचारियों को उनकी गहमति के बगैर कार्य पर नहीं बुलाया था बल्कि रूटीन में कर्मचारी कार्यालय समय पर उपस्थित हुये थे तथा दूरस्थ स्थानों पर अवकाश की सूचना समय पर नहीं मिलने के कारण कर्मचारियों ने कार्य किया अतः इसके लिये कर्मचारियों का ओवरटाईम का अधिकार नहीं बनता। अतः मेरी राय में प्रार्थीगण कोई राहत प्राप्त करने के अधिकारी नहीं हैं।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि रिजन्ल मैनेजर बैंक आफ बड़ौदा द्वारा उनके (छापरव राजनदेसर) शाखा के कर्मचारियों को दिनांक 27-12-1994 का ओवरटाईम की राशि नहीं देना पूर्णतः उचित एवं वैध है। प्रार्थीगण कोई राहत एवं राशि अप्रार्थी नियोजक से प्राप्त करने के अधिकारी नहीं है।

यह अधिनिर्णय आज दिनांक 24-11-2000 को खले न्यायालय में हस्ताक्षर कर सुनाया गया।

राजेन्द्र कुमार चाचाण, न्यायाधीन

नई दिल्ली, 18 जून, 2001

का.आ. 1667— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्गण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधन के संबंध निराजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथ न्यायालय वेगलार के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं.एल-12012/291/96-आई.आर. (बी-II)]

अजय कुमार, उक्त अधिकारी

S.O. 1667.—In pursuance of Section 17 of the Industrial Dispute Act, 1947(14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 15-6-2001

[No.L-12012/291/96-IR(B-II)]

AJAY **UMAR** Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT 'SHARAM SADAN', III MAIN,
III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 31st May, 2001

Present : Hon'ble Shri V. N. Kulkarni B. Com. LLB,
Presiding Officer

C. R. No. 262/97.

I Party

II Party

The General Secretary,
Syndicate Bank Staff Association,
Ananda Plaza, II Floor,
Near Ananda Rao Circle,
Bangalore-9
Advocate-Shri N. G.
Phadke

The Zonal Manager,
Syndicate Bank Zonal
Office,
Gandhinagar,
Bangalore-9
Advocate-Shri N.
Venkatesh

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/291/96/IR (B-II) dated 17th August, 1997 for adjudication on the following schedule :

SCHEDULE

"Whether the management of Syndicate Bank is justified in terminating the services of Shri R. Shivanada from service? If not, to what relief the said workman is entitled?"

The first party filed Claim Statement. The case of the first party is as under :

3. The first party workman joined the second party bank as temporary attender on 5-4-1984 and he has continuously worked for 240 days. The

management has absorbed other attenders and terminated the services of this workman. Therefore the action of the management is illegal and has prayed that award may be passed in his favour.

4. The management filed Written Statement. The case of the management in brief is as under :

5. The main contention of the management is that the workman continues to be in the panel of temporary attenders and the Bank has not removed his name from the panel. The question of regularising the services as a permanent attender arises only when there is a vacancy and he is found eligible and suitable by the Bank. As and when a vacancy arises, the first party's case will be considered in accordance with rules for the purpose of regularisation. For these reasons the management prayed to reject the reference.

6. During the pendency of the proceeding the matter was posted for evidence. The learned counsel for the second party management submitted that after the termination again the first party is taken on work and he is attending duties as an Attender. He also submitted that the workman will be regularised on seniority basis. The learned counsel for the first party and the President of the Union submitted that the direction be given to regularise the workman as per seniority and the matter be disposed off.

7. I have considered the statements made by both parties and I allow the reference and pass the following order :

ORDER

The reference is allowed and the management is directed to regularise the workman according to Seniority. Accordingly the matter is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 31st May, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 जून, 2001

का.आ. 1668:—² औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवादों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अदिकरण/थम न्यायालय बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं.पञ-12012/234/96-आई.आर. (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the, 18th June, 2001

S. O. 1668.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 15-6-2001.

[No. L-12012/234/96-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT 'SHARM SADAN', III MAIN, III CROSS II PHASE, TUMKUR ROAD, YESHWANTH PUR BANGALORE

Dated : 31st May, 2001

Present : Hon'ble Shri V. N. Kulkarni, B. Com. LLB
Presiding Officer

C.R. No. 201/97.

I Party

The General Secretary,
Syndicate Bank Staff
Association,
Ananda Plaza, II Floor,
Near Ananda Rao Circle,
Bangalore-9
Advocate-Shri N. G.
Phadke

II Party

The Zonal Manager,
Syndicate Bank Zonal
Office,
Gandhinagar,
Bangalore-9
Advocate-Shri N.
Venkatesh

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/234/96/IR (B-II) dated 4th March, 1997 for adjudication on the following schedule :

SCHEDULE

"Whether the management of Syndicate Bank is justified in terminating the services of Shri R. K. Srinivasa from service ? If not, to what relief the said workman is entitled ?"

The first party filed Claim Statement. The case of the first party is as under :

3. The first party workman joined the second party bank as temporary attender on 5-4-1984 and he has continuously worked for 240 days. The management has absorbed other attenders and terminated the services of this workman. Therefore the action of the management is illegal and has prayed that award may be passed in his favour.

4. The management filed Written Statement. The case of the management in brief is as under :

5. The main contention of the management is that the workman continues to be in the panel of temporary attenders and the Bank has not removed his name from the panel. The question of regularising the services as a permanent attender arises only when there is a vacancy and he is found eligible and suitable by the Bank. As and when a vacancy arises, the first party's case will be considered in accordance with rules for the purpose of regularisation. For these reasons the management prayed to reject the reference.

6. During the pendency of the proceeding the matter was posted for evidence. The learned counsel for the second party management submitted that after the termination against the first party is taken on work and he is attending duties as an Attendant. He also submitted that the workman will be regularised on seniority basis. The learned counsel for the first party and the President of the Union submitted that the direction be given to regularise the workman as per seniority and the matter be disposed off.

7. I have considered the statements made by both parties and I allow the reference and pass the following order :

ORDER

The reference is allowed and the management is directed to regularise the workman according to Seniority. Accordingly the matter is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 31st May, 2001.

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 जून, 2001

का.अ. 1669:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार निडिकेट बैंक के प्रबंधन के संबद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकांश/अंश न्यायालय, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[मं. एन-12012/213/91-आई.आर. (बी-II)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th June, 2001

S. O. 1669.— In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman., which was received by the Central Government on 15-6-2001.

[No. L-12012/213/91-IR (B-II)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT 'SHARM SADAN', III MAIN, III
CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 29th May, 2001

Present : Hon'ble Shri V. N. Kulkarni, B. Com, LLB
Presiding Officer

C. R. No. 85/91

I Party

II Party

Shri Iqbal S/o Rajesab
Jahagirdar,
R/O Jamakana Galli,
Meenaxi Chowk,
Bijapur

The Divisional Manager,
Syndicate Bank,
Divisional Office,
Sutar Buildings,
Bijapur 586101

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Dispute Act, 1947 has referred this dispute vide order No. L-12012/213/91-IR (B-II) dated 11th December 1991 for adjudication on the following schedule.

SCHEDULE

"Whether the claim of Sh. Iqbal that he was an employee of Syndicate Bank from 12-1-87 to 8-5-90 is correct ? If so whether termination of his services w.e.f. 9-5-90 was justified. If any, is the workman entitled to ?"

2. First party appeared and filed Claim Statement. The case of the first party is that he was initially appointed as a driver on a salary of Rs. 500/- per month. He worked continuously till he is retrenched from service. So an Industrial Dispute is raised.

3. The case of the first party in brief is as under. He was initially appointed as a driver on salary of

Rs. 500 per month till he was retrenched. It is the further case of the first party that one Mr. Mujawar has been taken as a Peon at Horti Branch whereas another Ahmed Kaladagi has taken as a Peon at Galagali Branch of the Hind Parties Bank. At the time of termination of services, the first party had put into more than 240 days services during the tenure of 12 Calendar months on several occasions as contemplated U/S 25 (b) of Industrial Dispute Act, 1947. The action of the management is not correct. The oral termination is not proper as stated in para 3 of the Claim Statement. The first party for all these reasons has prayed to pass an award in his favour.

4. Second party appeared and filed Counter. The case of the second party in brief is as follows :

5. The contention of the second party is that the first party workman before the Assistant Labour Commissioner, Bellary, was that he was orally appointed by the then Divisional Manager Shri N. G. Pausakar and he was terminated. In fact the first party workmen was not appointed by the management. There is no merit in this reference.

6. It is the further case of the second party that the Bank has provided Motor cars to its executives as prerequisites in accordance with the guidelines of the Govt. of India. Apart from use for official purposes, personal use of the vehicles is allowed, subject to recovery of certain sums of money monthly from the executive as per the Ruled frames by the Bank. The Executives may or may not prefer to engage Drivers. They were to decide whom to engage and under what terms. Bank would reimburse the salary of the driver upto certain amount and if the executive was to pay anything more he has to bear the difference or excess. The Bank has no right or power to terminate the services or to take any disciplinary action against such personal driver of the executive.

7. It is the further case of the second party that Shri N. D. Pavaskar, who was the District Manager was provided with a Jeep with provision to use it for office work. He had engaged the first party as a Driver to his jeep and the Management of the Syndicate Bank is not in any way connected with this personal arrangement. During February 1990 a decision was taken by the Bank to withdraw the jeep allotted to the District Manager and as such Pavaskar discontinued the services of the first party and such an action by him cannot be termed as an illegal termination of the services by the Bank. The second party for these reasons has prayed to reject the reference.

8. It is seen from the records that the first party is not interested in the progress of the dispute and he

has not given evidence. After giving many adjournments the matter was posted for evidence of second party. The second party counsel filed memo. The evidence recorded in CR No. 42/90 be read as evidence in this case as evidence of MWI for the management. Accordingly copy of the evidence is kept in this case as evidence. I have heard the learned counsel for the second party. I have perused the entire records.

9. At the very outset I am of the opinion that there is not an iota of evidence on behalf of the first party to say that he is the employee of the bank and the bank has appointed him as a driver.

10. Against this, we are having the evidence of MW 1. The evidence of MW 1 recorded in CR No. 42/90, as per the request of the counsel is kept as evidence in this case accordingly copy of the evidence is kept in this case. The evidence of MW 1 Mr. Kamat is that the service conditions of the officers are governed by Syndicate Bank Officers Service Regulation No. 26 provides permission for the use of Bank car for personal use of the officers. He further says that cars are provided by the bank. His further evidence is that the executive can drive the car personally or he has to engage his personal driver and the officer has to pay salary personally and not the bank. His further evidence is that the bank reimburses the executive the salary paid by him to his personal driver to a certain limit. The Executive select the driver. He is not the bank employee. The officer fixes the timings and conditions of service of drivers. Personal drivers do not do any bank work. Bank has no control over the driver. His name is not in the Muster Roll. The officer can remove him at any time. First party workman was a personal driver. There is no relationship of employee only employer between drivers and bank. The union has no locus standi to take this view. The drivers of this dispute cannot be member of the union as he is not an employee of the bank. Only bank staff can be member. Regular drivers are appointed by calling advertisement and they are recruited as per rules. If we read the above evidence carefully it is clear that there is no relationship of employer and employee between the second party and the first party workman. This witness is not cross examined by the workman.

11. Taking all this into consideration I am of the opinion that first party workmen is not an employee of the bank.

12. In the instant case the first party union has not filed any document to believe that the workmen are the employees of the bank. The learned counsel for the second party relied AIR 1978 Supreme Court 481. I have read the above decision carefully. According to the said decision Personal Driver of an Area Manager of a Nationalised Bank

is not a person employed by the bank. Keeping in mind the principles said in the above decision I am of the opinion that the union has absolutely failed to establish the relationship of employee and employer between the workmen and the management.

13 I have considered the entire material before me very carefully and I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order ;

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 29th May, 2001)

V N KULKARNI, Presiding Officer

नई दिल्ली, 18 जून, 2001

का.आ. 1670.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथ न्यायालय कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/78/99-आई.आर. (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th June, 2001

S.O. 1670.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 15-6-2001.

[No. L-12012/78/99-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI R. P. PANDEY, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR

Industrial Dispute No. 265/99

IN THE MATTER OF DISPUTE BETWEEN

U.P. Bank Employees Union,

Sh. Ashok Shukla,

Secretary, U.P. Bank Employees Union,

50/45, Birhana Road, Kanpur.

And

Bank of India,

The Regional Manager,

BOI, Behind of M. G. College,

Civil Lines,

Virendra Smrith Complex,

Kanpur, U.P

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/78/99-IR (B-II) has referred the following dispute for adjudication to this tribunal :

“Whether the management of Bank of India is justified in imposing the punishment of reduction by six stages in the scale of pay upon Sh. S. K. Mishra ? If not, to what relief is the workman concerned entitled to ?

2. In the instant case 6-6-2001 was the date fixed for filing of rejoinder by the Union, but instead of filing rejoinder, the union moved an application before the court with the request to close the present dispute as withdrawn on the ground that the concerned workman has decided to invoke the appellate authority against the penalty order imposed upon him by the disciplinary authority and in this background, the present dispute has become infructuous.

3. In view of above considerations it is held that the concerned workman is entitled to no relief in pursuance of the present reference.

4. Reference is answered accordingly.

7-6-2001

R. P. PANDEY, Presiding Officer

नई दिल्ली, 20 जून, 2001

का.आ. 1671.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. II मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय केन्द्रीय सरकार को 19-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/235/85-आईआर (डी-II) (ए)/आईआर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th June, 2001

S.O. 1671.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 19-6-2001.

[No. L-12012/235/85-IR(D.II) (A)/IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI
PRESENT

S. N. SAUNDANKAR

Presiding Officer

Reference No. CGIT—2/43 of 1986

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF

BANK OF BARODA

The Regional Manager,
Bank of Baroda,
Regional Office,
West High Court Road,
Dharampeth,
NAGPUR-400 010

And

THEIR WORKMEN

Shri P. B. Bokde,
R/o. Gupte Chowk,
Sakkardara Road,
Chitnavispura,
NAGPUR—440 002.

APPEARANCES :

On the Employer :

Shri L. L. D'Souza, Representative.

For the Workmen :

Shri S. M. Kali, Advocate.

Mumbai, dated 8th May, 2001

AWARD—PART—II

In this matter it is now to be considered whether the action of the management, Bank of Baroda, Nagpur, in dismissing Shri P. B. Bokde, Clerk, Dharampeth Branch, Nagpur from service w.e.f. 26-2-1985 is justified and if not whether he is entitled to reinstatement in the service of the bank ?

2. By an interim Award dated 18-3-91 (Exhibit 12) my Learned Predecessor gave finding that the domestic inquiry held by the management against the workman vitiates and the same has been confirmed by the Hon'ble High Court, Bombay, in Writ Petition No. 2404 of 1991, dtd. 9-4-1992 (Exhibit 12A). Consequently, the management was given an opportunity to prove the alleged misconduct on the part of the workman.

3. The case of the management in nut-shell is that on 13-4-1983 one Mr. M. L. Mishra, Proprietor of Dhruva Kirana Stores, Nagpur had visited Dharampeth Branch, Nagpur in connection with his bank account. The workman Mr. Bokde was then working as clerk in that branch. Mr. Bokde approached and

insisted on getting said Mr. Mishra to introduce one Mr. Pethe to open his saving account with the bank, though he was not willing. A cheque for Rs. 34,750/- drawn on Gorakhpur Branch was deposited in the account of Mr. Pethe on 13-6-1983. The cheque was sent to OBC department for preparation of schedule. After preparing the schedule it was sent to despatch department for mailing the same to Gorakhpur Branch for collection. On the same day it was informed that the cheque and the schedule have been missed. On 15-6-1983 the workman informed the Senior Assistant Mr. A. R. De, that he returned the cheque to Mr. Pethe as it was post-dated and that he destroyed the counter-slip. It is contended no permission was obtained by the workman for this from the incharge of the despatch department and that the party was fictitious/non-existent as the letter sent returned back with a remark 'not known'. On this background charge-sheet was filed against the workman and that on inquiry he was found guilty by the inquiry officer and that the disciplinary authority dismissed the workman by their letter dtd. 26-2-1985 and appeal against the same was also dismissed.

4. The workman challenged the same contending that the inquiry was not held properly. He does not know Mr. Mishra. He had no reason to insist him to introduce Mr. Pethe to whom also he does not know. He had no occasion to go to the despatch table and to return cheque and destroy any counter-slip. He is innocent. He served the bank for more than nine years without any stigma. He has been falsely foisted at the instance of Mr. Pande, then working as accountant.

5. My Learned Predecessor recorded evidence of management witnesses Shri A. R. De, Senior Accountant; Manager, Shri Kaluram Jain vide (Exhibit 32 & 36) and the evidence of workman Mr. Bokde vide (Exhibit 43). Attendance of bank's witness Mr. Mishra could not be procured, though bailable warrant was issued. Therefore on hearing the counsel and perusing the record he passed final Award holding action of the management dismissing the workman was not just and proper and consequently he directed the management to reinstate the workman and to pay costs Rs. 500/-, by final Award dtd. 7-2-1995 (Exhibit 60). The management challenged the said Award by Writ Petition No. 3080 of 1995 before the Hon'ble High Court, Bombay Bench at Nagpur. His Lordships by the order dtd. 10-11-2000 (Exhibit 62) set aside the final Award directing the Tribunal to procure the attendance of Mr. Mishra as his evidence is relevant, by taking necessary steps including issuance of non-bailable warrant and after giving opportunity to the workman to cross-examine and to adduce any evidence in rebuttal, to decide the matter afresh during the stipulated period.

6. On receipt of the Writ (Exhibit 62) this Tribunal issued notices to the parties concerned. The management succeeded in procuring the attendance of Mr. Mishra. His evidence is recorded at Exhibit 63. Management by pursis (Exhibit 65) and the workman orally closed evidence.

7. Heard the Learned Representative Mr. D' Souza for the management bank and Shri S. M. Kali, Advocate for the workman. I have gone through the written submissions and the rulings cited by the management (Exhibit 66 & 69) and the workman (Exhibit 68). On hearing and perusing the record as a whole, I record my findings on the issues framed by my Learned Predecessor (Exhibit 4) for the reasons mentioned below :

Issues	Findings
1. Whether the findings of the Inquiry Officer are improper and perverse and are based upon the assumption that the workman had committed a misconduct ?	Yes.
2. Whether the said workman is entitled to reinstatement in service of the Bank ?	Yes.
3. To what relief the workman is entitled ?	He is entitled to reinstatement with Full Back wages and continuity in service.
4. What order ?	As per order below .

REASONS

8. At the threshold, it is to be noted that the domestic inquiry conducted against the workman by the management is held against the principles of natural justice. Therefore, the management has to justify its action on dismissal of the workman Shri Bokde, from service. The charge against the workman is that he cheated the bank and that he is dishonest and that keeping such a man in employment with the institution dealing in funds is very risky. It is alleged that the workman insisted/compelled Mr. M.L. Mishra to introduce in opening the saving bank account in the name of Mr. Pethe on 13-4-83 though he was not knowing him.

9. Mr. Kaluram Jain affirmed that on 13-4-83, Account No. 23666 in the name of Shri Manohar Sadashiv Pethe was opened on the introduction of Mr. Mishra, Proprietor of Bhruva Kirana Stores who was then maintaining a current account. There was no operation in the said account since its inception except the opening cash deposit of Rs. 130/- and added that cheque for Rs. 34,750/- drawn on Gorakh-

pur Branch was deposited in the bank on 13-6-1983 and that OBC schedule was prepared by the concerned officer and the cheque was sent for despatch. However on 14-6-83 the despatch clerk informed the officer-in-charge of that department that the cheque was not traceable. It was also searched on 15-6-83 but could not be traced, and on inquiry, it is revealed that Mr. Mishra on the say of the workman Mr. Bokde, introduced Mr. Pethe though he was not knowing him and further affirmed that the letter addressed to account holder Mr. Pethe was returned back by the postal authorities with remark 'not known' on 18th instant, thereby account holder was fictitious person, not in existence.

10. Mr. De affirmed that while working as Special Accountant in Dharampeth Branch the workman came to him on 15-6-83 at 9.00 a.m. and told that he delivered the cheque to the customer because it was post-dated, after destroying the counter-slip. He did so without the permission of the concerned incharge officer.

11. The workman Mr. Bokde on oath denied that he knows Mr. Mishra and that he insisted him to introduce the account holder Shri Pethe. He added that he had no occasion to return the post-dated cheque for Rs. 34,750/- and destroy the counter-slip and denied that he disclosed to that effect to Shri De at any time. According to the workman he is completely innocent in the matter and added that one Mr. Pande Accountant with whom he was on cross terms, falsely involved him in the matter.

12. Mr. Mishra asserted from witness box that he had a current account with the bank since 1975. He had introduced Mr. Pethe for opening his account with the bank, though he was not knowing him, however, at the instance of Mr. De, who was then officer in the bank. He categorically denied that he introduced the account of Mr. Pethe on the day of the workman. At this juncture the Learned Representative Mr. D'Souza submits that though Mr. M. L. Mishra turned hostile his entire evidence cannot be thrown out and that his evidence which support the case of the management, can safely be relied upon. It is settled legal position that entire evidence of the hostile witness cannot be brushed aside, and evidence which is cogent and convincing can be believed. On this background, Mr. D'Souza submits that Mr. Mishra in his Examination-in-Chief disclosed that he had introduced the account of Mr. Pethe though he was not knowing him. He admits his signature at page 7 and that page 8 (Inquiry No. 2 papers Exhibit 21), is in his own handwriting and bears his signature which he had given to Manager, Mr. Jain, which according to him, directly involved the workman in the episode. It is also well settled position of law that in the inquiry strict rules of evidence are not

applicable and all material which are legally probative for a prudent mind are permissible. Even hearsay evidence is admissible in the matter before the Industrial Tribunal/Labour Courts. The standard of proof required to be applied is of preponderance of probabilities, for which reliance can be had to *S. K. Awasthy Vs. M. R. Bhope*, 1994 1 CLR page 254. In fact, the management's case rings around Mr. M. L. Mishra. He no doubt, in Examination-in-Chief disclosed that inquiry page 8, which speaks on the involvement of the workman is in his handwriting and bears his signature. In cross examination, he however, disclosed that the said letter was written by him in the premises of the bank under the dictation of the Manager, Mr. Jain. He admittedly did not withdraw inquiry page 8 by giving letter to the Manager nor apprised that at the instance of Mr. De he introduced the account holder. In this context, his reply that he had no reason, speaks volume. On plain reading of inquiry page 7, the form of specimen signature does not bear the date and signature of the concerned officer incharge of the bank. It also does not speak of which branch it concerns. Manager Mr. Jain clearly admits this position on form, in his cross examination. It is to be noted that Mr. Jain who stated that inquiry revealed on the persistent request of the workman, Mishra introduced Pethe for opening the account did not name the workman in his letter dtd. 27-6-83, (Ex. 31M/1) written for the first time, on the episode to his superior, the Regional Manager. If really workman would have been involved, he would have named the workman as author of the incident in as much as in natural course if an act takes place, concerned reacts immediately. Mr. Jain did not even seek explanation of the workman. As per the directions of the Hon'ble High Court in Writ Petition No. 3080 of 1985 dtd. 10-11-2000 (Ex. 62) management had an opportunity to recall Mr. De and Mr. Jain to throw light when Mr. Mishra named them as author of the letter page 8 and that at his instance he introduced Mr. Pethe vide page 7, but did not avail for the reasons best known to them. On these premises evidence of management does not implicit reliance.

13. Mr. De as stated above deposed that workman met him on 15-6-83 at 9.00 a.m. and told him that he returned the cheque to the customer as it was post dated after destroying the counter slip. According to him, workman did so without the permission of the officer incharge. He admittedly did not ask explanation of the workman who was working under him, on this serious thing, saying it was not his function. He was Senior Assistant in the bank. Being a responsible officer Mr. De, could have certainly asked explanation if workman really confessed as above, as all were searching the cheque and the counter slip since 13-6-83, of which a serious talk

must have been going on in the bank. On this background, I am not inclined to accept the evidence of management which is unnatural and not convincing.

14. The Learned Representative Mr. D'Souza for the management inviting attention of this Tribunal to the inquiry page 18, 19, 20 which admittedly bear the signature of Mr. Mishra, urged with force that this indicates the involvement of the workman in the matter of dishonesty. It is significant to note that Mr. Mishra in his evidence para 7 stated that he knows English, somewhat and that portion of pages referred to above, were not explained to him in Marathi. Witness Mr. Mishra, clearly denied that he was compelled by the workman to introduce Mr. Pethe in opening the account. Mr. Mishra is a businessman. He would not introduce on anybody else say the account of unknown person, taking risk.

15. So far the disputed cheque is concerned, nothing on record to show that the concerned department received the cheque and schedule was prepared. The scroll is not produced nor the missing report. Entries in respect of amount of cheque and other stages are to be taken in the register. Management could have very well produced documentary evidence to this material aspect. They could have recorded statement of the despatch clerk, cashier etc. to throw light on this. However nothing of this sort. It is seen from the record, workman was not working in the section where the alleged incident of missing of cheque occurred. It is natural that workman had no reason to go to the despatch section and to remove the cheque, and from this point of view, it is difficult, to infer his involvement.

16. The management to show that workman involved in the cheating and that he is dishonest relies on the statement of Mr. Jain, that on 15-6-83 they wrote a letter addressed to the account holder Shri Pethe, however, that was returned back on 18-6-83 with a postal endorsement 'not known', page 10 in the inquiry report (Ex. 21M) and further deposed that their substaff were deputed to trace out the account holder, but could not succeed. Therefore the management contended that Mr. Pethe was a fictitious person/non-existent, thereby the workman deceived the bank. It is relevant to note that management did not examine the persons who traced the account holder nor led documentary evidence by way of police report, local authority etc. Postal endorsement 'not known' does not mean that concerned Mr. Pethe was not in existence or fictitious. That remark at the most would show that the person concerned does not want to claim it. Under these circumstances the postal endorsement would hardly support the contention of the management that Pethe was fictitious and thereby workman deceived the bank.

17. Mr. D'Souza for the management submits that the workman in his cross-examination admitted that Mr. Mishra was examined as witness in the domestic inquiry and he cross-examined him and despite this he now states that he does not know Mishra. He urged that the workman possess property and in spite of this he states that his wife does labour work and he sells clothes on road though he gets income by way of house/shop rent, and therefore he is not honest and a man to be believed. On this background, he submits a legitimate inference could be drawn that he is author of the incident and therefore unfit to work in the bank, being a dishonest. In fact, as stated above, there is no reliable, cogent and convincing evidence to show that the workman is dishonest. The incident as alleged has not been proved. For livelihood one has to earn as when eight members are dependent on workman, therefore he must be doing work for his earning. Only because workman disclosed that he cross-examined Mr. Mishra does not mean that he knows him. Mishra also disclosed that he knows workman as he was working as a clerk in the bank. In view of this I myself find difficult to accept the submission of Mr. D'Souza as above.

18. Mr. D'Souza argued that Mishra was won over by the workman and therefore he did not attend the court though he was fined Rs. 500/- and if looked his evidence from this point of view, inquiry papers are self-explanatory and further urged that a man may speak lie but not the document. He relied on *Rambhau Vs. MSRTC* 1992 2 CLR page 581. In fact as stated above, from page 7 and report do not inspire evidence and that explanation given by Mishra about page 8 has not been rebutted. Inquiry is held against Principles of Natural Justice, therefore said ruling is not helpful to him. Evidence on record does not show that workman compelled Mr. Mishra to introduce Mr. Pethe in opening his account and further, any cheque was received for credit in the saving account and that was dealt and destroyed by the workman and that account holder Pether was fictitious/non-existent. Consequently allegation of management that workman deceived the bank and he is dishonest in view of the position, cannot be accepted. Submission of Mr. D'Souza in view of the discussion supra, does not appeal to me.

19. While parting the matter Mr. D'Souza submits that believing the evidence of Mishra who was dubbed hostile, workman is held not guilty and directed his reinstatement, the very foundation of banking that is trust and confidence would get crack and therefore according to him, in such cases, tribunal can grant compensation in lieu of reinstatement. In support of this contention he relied on *M/s. Hindustan Steel Ltd., Rourkela Vs. Mr. A. K. Roy* 1970 20 FLR page 234. In this case, the Hon'ble Apex Court ruled :

"As exceptions to the general rule of reinstatement, there have been cases where reinstatement has not been considered as either desirable or expedient. These were the cases where there had been strained relations between the employer and the employee, where the post held by the aggrieved employee had been one of trust and confidence or where, though dismissal or discharge was unsustainable owing to some infirmity in the impugned order, the employee was found to have been guilty of an activity subversive of or prejudicial to the interests of the industry."

20. In view of the discussion supra, it is evident that the evidence adduced by the management is not trustworthy, natural and convincing. Management witness Mr. Mishra in fact clearly pointed out that workman is not at all concerned. Management thus, fails to prove that workman deceived the bank and that he is dishonest. The action therefore taken by the management against the workman is in totality unjust and unfair. On this background the submission of Mr. D'Souza as above does not stand to reason and the decision relied by him as above, is not helpful to the management, as in that case, the concerned employee was found guilty of an activity subversive of/or prejudicial to the interests of the industry.

21. So far the issues framed by my Learned Predecessor and which crop for my consideration, it is seen from the record, my Learned Predecessor held that domestic inquiry against the workman vitiates as the rules of natural justice were not followed and the same finding has been confirmed by the Hon'ble High Court. Therefore, there was no further need to record any finding regarding perversity as held by His Lordships of Bombay High Court in *CST Mumbai Vs. Rajan Kumar Mohali* 2000 III CLR page 117. Since the inquiry itself shows the findings of the inquiry officer are improper so to say perverse, based upon the assumption that the workman has committed misconduct, therefore issues will have to be answered to that effect in the affirmative. In the result the workman is entitled to reinstatement in service with full back wages and continuity in service and hence the order :

ORDER

The action of the management of Bank of Baroda, Nagpur in dismissing Shri P. B. Bokde, clerk, Dharampeth Branch, Nagpur, from banks service w.e.f. 26-2-1985 is not fair and just.

The management to reinstate Mr. Bokde, w.e.f. 26-2-1985 with full back wages and continuity in service.

No order as to costs in view of the peculiar circumstances on record.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 21 जून, 2001

SCHEDULE

का.प्र. 1672:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार तुंगभद्रा ग्रामीण बैंक के प्रबंधन के संबंध में निम्नलिखित आदेशों के बीच, अनुवचन निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम/अस न्ययालय बंगलूर + पंचाट को प्रस्तुत करती है, जो केन्द्रीय सरकार का 20-6-2001 को प्राप्त हुआ था।

[नं.एन-12012/227/93-प्रार्थना-बी-1]]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1672:—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Gramin Bank and their workman, which was received by the Central Government on 20-6-2001.

[No. L-12012/227/93-IR—(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT 'SHRAM SADAN' HMAIN HICROSS,
HPHASE,

TUMKUR ROAD, YESHWANTHPUR,
BANGALORE

Dated : 1st June 2001

PRESENT : Hon'ble Sri V.N. Kekarai B.com. LLB
Presiding Officer

C.R. No. 9/94

I Party	II Party
Tungabhadra Gramin Bank Employees Union, 144, Kappagal Road, Bellary-583 103 Advocate-Shri P.S. Raja- gopal	Chairman, Tungabhadra Gramin Bank, No. 32, Sanganakal Road, Gandhinagar, Bellary-583 103 Advocate-Shri B.C. Pra- bhakar

AWARD

1. The Central Government by exercising the powers conferred by clause(d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/227/93 IR (B.1) dated 3-1-94 for adjudication on the following schedule :

"Whether the action of the management of Tungabhadra Gramin Bank in imposing the penalty of Stoppage of 7 increments with cumulative effect in respect of Shri T. Basavareddy, Clerk vide proceedings dated 27-3-92 is legal and justified? If, not, to what relief the workman is entitled ?

2. The first party workman was working as a daily wage in 1977 and in the year 1980 he was appointed as regular Part time Messenger. There was a misconduct Enquiry was held and the management imposed the penalty of stoppage of seven increments with cumulative effect by an order dated 20th February 1992.

3. First party appeared and filed Claim Statement.

4. The case of the first party in brief is as under.

5. The first party was working as part time Messenger regularly from the year 1980. He worked satisfactorily during the probation period. Charge sheet was issued and enquiry was held and the management imposed penalty. This not correct. The penalty imposed is against the standing orders and the charge sheet was very vague. Regarding enquiry it is said the same is not correct. The enquiry was not in accordance with the Regulations. Therefore the action of the management is not correct. So the first party has prayed to reject the reference.

6. Second party appeared and filed counter.

7. The case of the Second Party in brief is as under :

8. The second party is a Banking institution registered under the provisions of the Regional Rural Bank Act, 1976. The management expects high degree of honesty, integrity, devotion to duty, promptness in discharging the duties and high sense of discipline. First party workman was working in the Ginigera Branch in the years 1988 and 1989. He was engaged in private business of selling cotton seeds to the farmers some of whom are crop loan borrowers. Inspection was done and charge sheet was issued. The first party being the employers of the Bank should not have involved in any other trade or business during the employment. Details of charges are given in para 4 & 5 of the Counter. The enquiry is correct and the action of the management is proper. The first party fully participated in the enquiry. His explanation was not proper. The enquiry officer has exonerated the first party workman but the disciplinary authority after looking into each and every point did not accept the findings of Enquiry Officer and differed with the

findings of Enquiry Officer. The Disciplinary Authority after considering all the aspects issued a second show cause notice dated 20-2-1992 proposing the punishment of stoppage of seven increments with cumulative effect. The management for these reasons has prayed to reject the reference.

9. It is seen from the records that on January 1999 the first party conceded fairness and validity of the enquiry. Thereafter the case was posted for arguments. Since a long time the first party and counsel are not present. It appears the first party is not interested in going on this matter. I have perused the evidence before me and also carefully perused all the enquiry papers and the evidence recorded during the enquiry. MWI has given clear evidence. In my opinion there is no perversity in the finding given by the disciplinary authority. The first party being the employee of the Nationalised Bank is not expected to indulge himself in such activities. I have given careful consideration to the entire material and I am of the opinion that in the given circumstances the punishment imposed is correct and there is no merit in this reference. Accordingly I proceed to pass the following order:

ORDER

The reference is rejected.

(Dictated to P.A. transcribed by her corrected and signed by me on 1st June 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 21 जून, 2001

का.सा. 1673.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार साउथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अन्य न्यायालय, भवनेश्वर के पंचाट को प्रकटित करती है, जो केन्द्रीय सरकार को 20-6-2001 को प्राप्त हुआ था।

[सं.एन-41012/287/99-आई.आर.—(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O.1673.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railways and their workman, which was received by the Central Government on 20-6-2001.

[No. L-41012/287/99-IR-(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT : BHUBANESWAR

Present:

Shri S.K. Dhal, OSJS (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. Tr.I.D. 77/2001

Dated, Bhubaneswar, the 11th June, 2001.

Between:

The Sr. Project Manager, South Eastern Railway,
Chakradharpur, Bihar ... 1st Party-Management

And

Their workman Shri Soma Minz,
Vill. Gurgurjor, PO. Santospur, Via. Bisra,
Dist. Sundargarh. ... 2nd Party-Workman

Appearances:

Shri N.S. Uikey, Dy. Chief Engineer (Con.)
S.E. Railway, Chakradharpur,
Jharkhand ... For the 1st Party-Management

Shri N.C. Mohanty,

Advocate ... For the 2nd Party-Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(a) of Section 10 of the I.D. Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-41012/287/99-IR-(B-I), dated 24-3-2000:—

“Whether the action of the Management of S.E. Railway, Chakradharpur terminating the services of Sri Soma Minz, S/o. Sri Bizla Minz, Ex-Chowkidar, IOW, Construction S.E. Railway, Bondamunda from 5-11-96 on the ground of un-authorised absence is justified? If not, what relief the workman is entitled to?”

2. The circumstances under which the reference has been made may be stated in brief:—

3. One Shri Soma Minz, (hereinafter called as the workman) had joined in the services under the Sr. Project Manager, S.E. Railway, (hereinafter called as the Management) as a temporary gangman and subsequently was regularised as a Chowkidar. While working under IOW (Construction) Bondamunda of S.E. Railway he was imposed with major penalty for un-authorised absence on duty from 16-11-1995 till date. In the domestic enquiry the workman did not attend. On 5-11-96 the Enquiry Officer gave its findings stating that the workman

was guilty of mis-conduct and passed order of removal of service. The said removal order was subsequently confirmed by the Sr. Project Manager, Chakradharpur, on 18-11-1996. Under this background the case of the workman is that he never remained absent from 16-11-1995. On 24-11-95 he had a quarrel with his wife and due to sudden provocation he gave a lathi blow to her two died on the way to hospital. A police case was registered against him for committing an offence u/s 302 of IPC for causing death of his wife and on 25-11-95 he was arrested by the police and thereafter he was remanded to the jail custody till 18-12-1996. He was released on bail on 18-12-1996 and thereafter he went to the Management to report his duty. But the IOW (Construction), Bondamunda did not allow him to join and advised him to come to duty after the criminal case is finally disposed of. The trial of the Criminal case continued till 20-11-1997 on which date he was acquitted of the charges. The copy of the judgement was made available to him on 25-11-1997. He made a representation to the Chief Project Manager, Bilaspur, serving a copy to the Sr. Project Manager, Chakradharpur, enclosing the copy of the judgement. But he was not allowed to join. Being aggrieved by the indifference attitude of the Management the workman raised an Industrial Dispute. As reconciliation failed subsequently the Government of India made the reference as above.

4. According to the workman he was never absent from 16-11-1995. But he remained absent from 25-11-95 as he was arrested and was in jail custody. The absence was beyond his control and immediately when he was released on bail he came to attend the duty but he was refused. According to him proper procedure have not been followed while conducting domestic enquiry against him and findings have been recorded in his absence without giving any opportunity to him to defend his case.

5. The Management has filed the written statement. They have pleaded that the workman remained absent from 16-11-1995 without any permission of the authorities so charge was framed against him for un-authorised absence. Notice were issued to him to attend the enquiry. As he did not attend he was set ex parte and enquiry was completed in his absence after observing all the formalities. The workman was found guilty for committing misconduct. So order of removal was passed which was subsequently confirmed by the authorities. According to the Management the arrest of the workman by the police in Cr. case was not intimated by the workman himself or by the police. The Management have taken the stand that the action taken by them is legal and proper. On the above pleadings of the parties the following issues have been framed:

ISSUES

I. Whether the domestic enquiry is fair and proper?

II. Whether the action of the Management in terminating the services of the workman from 5-11-1996 on the ground of un-authorised absence is justified?

III. If not, what relief the workman is entitled?

6. The workman has examined himself as a witness in support of his pleadings. The Management has examined two witnesses. Documents have been filed on behalf of the Parties. The workman has exhibited his arrest report (Ext.-A.) Order of the Court releasing bail (Ext.-B), Copy of the order sheet from 14-11-96 to 20-11-1997 (Ext.-C), Copy of the Judgement (Ext.-D), Copy of his representation (Ext.-E), Postal receipt (Ext.-E/1), Postal Acknowledgement (Ext.-E/2), (Ext.-E/3) Copy of the reminder (Ext.-F), copy of letter for joining (Ext.-G) and copy of the letter of the Management (Ext.-H). On behalf of the Management copy of the charge sheet (Ext.-I), copy of the Postal Acknowledgement (Ext.-2), Xerox copy of the charge sheet (Ext.-3) copy of the postal receipts (Ext.-4), xerox copy of the report of E.O., dtd. 24-9-96 (Ext.-5), xerox copy of, the letter, dtd. 9-10-96 to the workman, (Ext.-6) xerox copy of the findings of the E.O. (Ext.-7), xerox copy of the postal acknowledgement (Ext.-8), xerox copy of the Office Order No. 134, dtd. 18-11-96 (Ext.-9), and xerox copy of the postal receipt Ext.-5/A have been exhibited.

FINDINGS

ISSUE NO. 1

7. Before going to the merit of the case the admitted facts of the case may be stated here for better appreciation of both the parties (a) That, the workman was arrested and was produced before the S.D.J.M. Panposh on 27-11-1995 and was remanded to jail custody. (b) That, he was released on bail on 18-12-1996. (c) That, the judgement was pronounced on 20-11-1997 wherein the workman was acquitted from the charges. (d) That the copy of the judgement was made available to the workman on 25-11-1997. (e) That, no permission was obtained by the police from the Management before the arrest of the workman. (f) That the workman was not placed under suspension. (g) That, the workman did not send any intimation to the Management regarding his absence from the jail custody. (h) That, the workman did not attend the domestic enquiry as he was in jail custody.

8. The main grievance of the workman is that the domestic enquiry was conducted without observing the rules and procedures proscribed and no care was

taken by the Management to ensure the attendance of the workman during the domestic enquiry. It has been further submitted that the Officer who framed the charges acted as Enquiry Officer and recorded the findings. On the other hand it has been pleaded on behalf of the Management that the notices for attending the domestic enquiry were sent to the workman in his home address and when acknowledgement was received back the service was held to be sufficient. So the domestic enquiry was conducted in absence of the workman. The fact of his arrest in criminal case was not intimated by the workman. So according to the Management the action taken against the workman is justified and proper.

9. After hearing both the parties and perusing the documents and oral evidence I find substantial force in the contention made on behalf of the workman that the domestic enquiry made against him has not been made properly. The postal acknowledgement received by the Management does not bear the signature of the workman because admittedly by that time he was inside the jail custody and somebody received the notice issued to the workman from the Management in domestic enquiry. The Management has failed to establish the relationship between the workman and the persons who had received the notice. The Management without taking care to find out the whereabouts of the workman set him ex-parte and concluded the domestic enquiry. During domestic enquiry it is said that the enquiry officer perused the attendance register and other documents to satisfy himself that, the workman was absent from 16-11-1995. But those documents were not made available to this Tribunal to satisfy that actually the workman was absent from 16-11-1995 and report was made by his immediate superior. When the workman was absent and did not know about the domestic enquiry started against him he was not able to explain the circumstances for which he remained absent. I am not inclined to give any findings on the submission made on behalf of the workman that illegality has been committed by the Management because the officer who framed the charges acted as the Enquiry Officer. From the admitted facts it would be seen that the workman could not attend the domestic enquiry as he was inside the jail custody. It is quite unnatural that, when he lost his wife and has been implicated in criminal case which provides capital punishment he would not be in a position to intimate the authorities about his detention in the custody. No doubt, he had the duty to inform. The police also did not take care to inform the Management before arresting the workman. The Supdt. of Jail also failed to intimate the detention of the workman to his authorities. So in my opinion the domestic enquiry has been conducted in absence, without serving notice properly to the workman who could

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not defend his case. It has also not been established the relationship between the person who have received the notice for the workman. Admittedly no paper publication was made by the Management intimating the workman to attend the domestic enquiry. So in the above circumstances, I am of the opinion that the domestic enquiry initiated against the workman has not been conducted properly. In the order words the domestic enquiry was not fair and proper. This issue is answered in favour of the workman.

10. ISSUE NO. II :

In view of my findings in Issue No. I the action of the Management in terminating the services of the workman from 5-11-1996 on the ground of unauthorised absence is not justified.

11. ISSUE NO. III :

In view of my findings in respect of Issue No. and Issue No. II the workman be re-instated immediately and after his joining the domestic enquiry may be taken afresh after giving all the opportunity to the workman to defend himself. The result of the domestic enquiry will decide the punishment that would be imposed on the workman for his absence from 16-11-1995 to till his date of arrest if it is prove

Reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 21 जून, 2001

का.आ.1674:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सदर्न रेलवे, मद्रास के प्रबंधन के संबंध निम्नलिखितों और उनके कर्मचारियों के बीच, संबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-6-2001 प्राप्त हुआ था।

[नं. एल-41012/253/95—आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1674.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway, Madras and their workman, which was received by the Central Government on 20-6-2001.

[No. L-41012/253/95—IR-(B-I)]
AJAY KUMAR, Desk Office

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 6th June, 2001

PRESENT :

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 485/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 37/98)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Singaravelu and the Management, Southern Railway, Madras).

BETWEEN

S. Singaravelu

I Party/Workman

AND

The General Manager,
Southern Railway, Madras.

II Party/Management

APPEARANCE :

For the Workman :

M/s. Balan Haridas & R. Kamatchi Sundaresan
Advocates,

For the Management :

G. Kalyanasundaram, Advocate.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-41012/253/95-IR(B-I) dt. 10-3-97 :

"Whether the action of the Management of Southern Railway Madras in ordering retirement of Sri S. Singaravelu and Enquiry-cum-Reservation Clerk compulsorily from services is just proper and legal? If not, to what relief is the workman entitled?"

This dispute on coming up before me for final hearing on 17-5-2001, upon perusing the reference, Claim Statement, Counter Statement and other material papers on record, the documentary evidence let in on either side and upon hearing the arguments of the learned counsel on either side and this dispute having stood over till this date for consideration, this Tribunal passed the following :

AWARD

2. This reference has been made earlier first to the Central Govt. Industrial Tribunal-cum-Labour Court, Bangalore. Then on petition by the I Party/Workman to the Govt. this case has been transferred from the file of CGIT, Bangalore to the file of Tamil

Nadu State Industrial Tribunal for adjudication, where it was taken on file as I.D. No. 37/98. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was taken up for enquiry there in that Tribunal documents were marked by the consent of the counsel on either side as Ex. W1 to W15 and it was pending for the counsel on either side to advance their respective arguments. At this stage, as per the orders of transfer passed by the Central Govt., this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file as I.D. No. 495/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 5-3-2001.

3. When the matter was taken up for enquiry after so many hearings finally on 17-5-2001, the counsel on either side appeared before this Tribunal and advanced their respective arguments. A xerox copy of Scientific Expert's report was produced by the II Party counsel.

4. The Industrial Dispute between the parties is briefly as follows :

The I Party/Workman Sri S. Singaravelu (hereinafter referred to as Petitioner) was employed as Enquiry-cum-Reservation Clerk in reservation office of Chennai Central Station at Chennai. The Petitioner joined the Respondent Railway as a Clerk on 14-3-1977 and had put in Nine years of service. For an alleged misconduct, the Petitioner was served with charge-sheet dated 23-7-1986 stating that he had misappropriated an amount of Rs. 10,070 on or about 15-12-1984 by 18.15 hrs. belonging to the Railway office by making false entries in Railway records, as if he has refunded the said amount on demand for cancellation by the bonafide passenger on the passenger foil of BPT No. 085444 purported to have been issued on 29-10-1984 for 95 adults for journey on 13-12-1984 in Train No. 145 Navjeevan Express from Ahmedabad to Madras Central, in violation of office procedures and that thereby violated rules 3(1)(i), 3(1)(ii) and 3(1)(iii) of the Railway Service (Conduct) Rules, 1966. To this charge, the Petitioner had given an explanation on 27-6-87 denying the charges and he further stated in order to give full explanation he has to see necessary

documents mentioned in the Annexure 'A' of the charge memorandum. The Petitioner was working in the INDRAIL counter of the Railway upto 4-11-84. After 4-11-84, one Sri T. Govindarajlu was working in the said Counter. The blank Paper Ticket No. 085441 in H series was found missing on 21-11-84. The Petitioner is not aware of the missing BPT as he was not working in that Counter at that point of time. On 15-12-94 when the petitioner was working on the Enquiry-cum, Refund Counter, BPT No. 085444 alongwith refund application and with an endorsement duly cancelling the ticket made by the cancellation clerk was perused. As a clerk in that Counter, the Petitioner refunded the amount to the person who presented it, since the ticket was duly cancelled and endorsement made to that effect in the cancellation form by the cancellation clerk. On 16-12-84, the Petitioner had to leave for home early, as his wife was not well due to abortion she had. Therefore, he requested the Superintendent to retain him in the ABR Counter instead of usual counter as in that counter he would be retained upto 2.30 p.m. The Superintendent readily obliged and the Petitioner was asked to work in the ABR counter and Mohamed Ellais in the Current Counter to which the Petitioner was allotted. On 27-4-85 the Travelling Inspector Mr. K. Viswanathan had detected the fraud as he found out that ticket presented was not an authenticated one. The Respondent Railway without any enquiry passed an order for recovery of the amount from the salary of the Petitioner and the same was also recovered. After recovering the amount, the Respondent chose to conduct enquiry. The matter was initially handed over to CBI Inspector Mr. P. S. S. P. Babu. He was not able to find out the person who had already allegedly removed the BPT No. 085441 and altered the last digit in the BPT No. 085441 to 085444, the person who wrote the booking particulars in the ticket and the person who cancelled the BPT No. 085444. Based on such a report of the CBI Inspector, charges were framed against the Petitioner. The Respondent conducted an enquiry in which 10 witnesses for the Management were examined. The Petitioner was not allowed to be represented by Govt. servant of his choice, inspite of his representation dated 27-6-86 and 22-7-87, even though, the railways was represented by CBI Inspector, who is a legally trained person. The endorsement on the cancellation form was made by the cancellation Clerk Mr. J. Ganeshwara Rao. That cancellation form was not produced in the enquiry. The Petitioner has refunded the amount based on the endorsement in the cancellation form made by the cancell-

lation Clerk. As the Petitioner was only a refund clerk, it was not his duty to verify the ticket when it has been duly cancelled by the cancellation clerk. The Petitioner could have been charged only for negligence in not verifying the ticket. But that by itself, will not prove that the Petitioner misappropriated the amount. A serious charge of misappropriation cannot be proved merely on the basis of conjectures and surmises. The charges against the Petitioner was not at all proved in the enquiry. There was no eye witness to the alleged charges foisted against the Petitioner. In these circumstances the evidence of handwriting expert become crucial as the very charge is that the Petitioner has made false entries in the register and he has himself misappropriated. The opinion of handwriting expert was not produced in the enquiry and no copy was also given to the Petitioner. The handwriting expert was also not examined. In the enquiry, the Enquiry Officer acted as Presenting-cum-Prosecuting Officer by asking the witnesses leading questions and also cross-examining them. Thus, the enquiry is vitiated and is in violation of principles of natural justice. No evidence worth the mentioned was produced at the enquiry, to establish the charge of misappropriation of Rs. 10,070/-. The Enquiry Officer without appreciating the evidence in the proper perspective held the Petitioner as guilty of charges leveled against him. He also suggested deterrent punishment. The Enquiry Officer was biased and acted in an one sided manner and his findings are perverse. Based on such findings of the Enquiry Officer, the Disciplinary Authority has imposed punishment of removal from service on 8-6-1988. It was confirmed by the Appellate Authority on 3-7-1989. The Petitioner challenged that order of dismissal by way of O.A. No. 156/1990 on the ground that the Petitioner was not given copy of findings of the Enquiry Officer, before imposing the punishment of removal from service. In that order itself, the C.A.T. permitted the Respondent/Railway to continue the disciplinary proceedings after giving a copy of the enquiry report to the Petitioner. Pursuant to that order, the Petitioner was given a copy of the enquiry report. He gave his explanation on 21-11-91, that the report was perverse and one sided. The Disciplinary Authority without appreciating the material on record and without applying its mind, passed an order on 7-12-92 removing the Petitioner from service. The Disciplinary Authority had stated that the number of persons on the BPT was altered from 90 to 95 and it was not in the charge sheet at all and it is also not the case of the Railways. In the appeal preferred by the Petitioner, the Appellate Authority had modified the punishment of removal from service to

one of compulsory retirement. The Railway before compulsorily retiring the Petitioner from service have failed to take into account his blemishless record of service, he had put in for nine years. The Petitioner is suffering without employment for the past 10 years and he had the family to support. The order of punishment is disproportionate to the alleged charges framed against the Petitioner. Hence, this Hon'ble Court may please to interfere under Section 11A of the Industrial Disputes Act. The order of imposing punishment may be set aside as illegal and the Respondent may be directed to reinstate the Petitioner with continuity of service, full back wages and all other attendant benefits.

5. In the Counter Statement filed by the Respondent, it is stated that as a fact there was no application for refund of the above said BPT by any passenger. There was also no endorsement on the cancellation of the said ticket by the Reservation and Cancellation Clerk i.e. J. Ganeshwara Rao, who was on duty at the concerned Reservation-cum-Cancellation counter on 15-12-84. Without passengers application and without endorsement on cancellation of ticket by Sri Ganeshwara Rao, the Petitioner ought not to have refunded the amount. Further it is seen that the BPT number was really 085441 which was altered to as 085444. No verification was done by the Petitioner with record form and reservation records. Discrepancies were found in the passenger foil of 085444. The Petitioner Singaravelu did not follow the procedure for refund. Since he was working in INRAIL counter he knew that the ticket number 085441 was missing. The ticket No. 085441 which is a passenger form not accounted at Madras Central. BPT book is kept in Inrail Counter and last issued was in 1983 of BPT No. 085437 folio. BPT No. 085444 contained all the three folios namely the record folio, account folio and passenger folio. The ticket should have come to Ganeshwara Rao before the refund was arranged by the Petitioner. The message no. was an imaginary number, since the ticket was for the journey from Madras to Ahmedabad. The message charges could not have been collected. The Petitioner had conveniently taken the duty of verifying the physical availability of tickets on the next day i.e. 16-12-84 after performing duty upto 21.00 hrs. on 15-12-84. The clerk of Counter No. 16 had handed over sum of Rs. 10,200/- in a lump sum to the Petitioner at the fag end of duty limits. As per ABR statement, the refund was made at 06.15 pm but as per cash book. It is quite evident that the Petitioner had misappropriated the amount. Sri Ganeshwara Rao, Enquiry cum-Reservation Clerk of Cancellation counter denied that he made any cancellation done.

The Petitioner says that he returned the amount to the passenger which cannot be sustained. He had not consulted his shift supervisor before making a refund of such a huge sum. The Petitioner had taken pains to take loans from Sri Dhakshinamoorthy of Counter No. 16. Thus, the Petitioner had cheated the railway and defrauded the union ex-chequer to the tune of Rs. 10,070/- Investigations were conducted by the C.B.I., Madras and found that the Petitioner had failed to maintain absolute integrity and devotion to duty as inter-alia of which were unbecoming of a Railway/Public servant and had recommended for initiating departmental action against the Petitioner. The amount misappropriated by the Petitioner was recovered from his salary. The Central Administrative Tribunal in O.A. No. 156/90 had observed that "the recovery of that amount does not amount to punishment, it is only restoration of things in order. In this case the recovery which has been effected is not a penalty for loss within the meaning of Clause 5 of Rule 6, therefore, the effect of imposing penalty of removal will not constitute a second punishment." In view of the order passed by the Central Administrative Tribunal in O.A. No. 156/90 this petition is barred by principles of resjudicata. Hence, the action of the Management is justified in compulsorily retiring the Petitioner from service. So, the petition has to be dismissed.

6. The point for my consideration is—

'whether the action of the Management of Southern Railway, Madras, in ordering retirement of Sri S. Singaravelu, an Enquiry cum-Reservation Clerk compulsorily from services is just, proper and legal? If not, to what relief is the workman entitled?'

Point :—

It is the contention of the Petitioner that the principle of natural justice has been violated when the domestic enquiry has been conducted by the Respondent for the charges of alleged misconduct levelled against him and hence the enquiry is vitiated. It is his first contention that he was not allowed to be represented by a Govt. servant of his choice to defend himself in the domestic enquiry and that he was not furnished with the opinion of handwriting expert and the handwriting expert though cited as a witness on the Management side has not been examined. The learned counsel for the Petitioner put forth an argument that the Management Railway was represented by the CBI Inspector as a Presenting Officer in the enquiry, he is a legally trained person. When the petitioner sought for assistance of a retired Govt. servant, an outsider, he was not permitted. But the Management had engaged a person, who is not allowed in rule. Further, the Enquiry Officer objected the Petitioner taking assistance of any Govt.

servant of his choice, when a CBI Inspector of Police has been appointed as a Presenting Officer. This amounts to denial of sufficient opportunity for the Petitioner to defend his case effectively and hence the enquiry conducted is not fair and proper.

7. The learned counsel for the Respondent replied for this argument stating that the CBI Inspector appointed as the Presenting Officer in the domestic enquiry is not a legal practitioner or a legally trained person and that as per the Railway Servants (Discipline and Appeal) Rules, 1961 Rule No. 13(a), the Railway servant may present his case with the assistance of any other railway servant (including the railway servant on leave preparatory to retirement) employed in the office of the Railway Board, attached office as subordinate office, as the case may be, in which he is working. In note 1 to that Rule 13A it is stated that the Railway Servant shall not engage a Legal Practitioner. So from this specific rule, it is seen that the Petitioner is prohibited from engaging a person of his choice from outside as a Govt. servant to assist him in the enquiry. The High Court of Kerala had held in a case reported as 1986 II LLJ 257 *Saran Vs. Cochin Refineries Ltd.* that "in a domestic enquiry CBI Inspector appointed as Presenting Officer by the Management cannot be deemed as a legally trained person because of his experience and assistance prosecution." So from this it cannot be said that the Enquiry Officer in not permitting the Petitioner to have the assistance of any Govt. servant of his choice is unjust or illegal. That is why the Enquiry Officer had rightly denied permission to the Petitioner to take assistance of any Govt. servant of his choice. Further, in support of this stand the learned counsel for the Respondent has relied upon the decisions arrived at by the Supreme Court reported as (1999) 1 SCC 626 *Bharat Petroleum Corporation Ltd. Vs. Maharashtra General Kangar Union and Others*, wherein it is held that "right of a workman in a domestic enquiry to have the representation by another person is available to the delinquent only to the extent specifically provided in the service rules. An employee has no right to representation in the departmental proceedings by any other person or a lawyer unless the service rules specifically provide for the same. For example Rule 1712 of the Railway Establishment Code gives chance to the delinquent to be represented by another railway employee but the choice is restricted to the Railway on which he himself is working." Here, in this case also the Petitioner is a railway employee wanted to have an assistance of any Govt. servant of his choice, which is not permissible under the Railway Service (Discipline & Appeal) Rules. The decision of the Supreme Court in the above cited case is quite applicable to this case also. So, the argument advanced by the learned counsel for the Petitioner on this aspect cannot be accepted

as correct and the arguments of the learned counsel for the Respondent can be accepted.

8. The next contention put forwarded by the learned counsel for the Petitioner is that the principles of natural justice has been violated by the Enquiry Officer by non-examination of the handwriting expert, though cited as witness for the management in the enquiry and the non-production of his report also affected the Petitioner. The learned counsel for the Respondent had replied for this, stating that the Petitioner cannot say that he has been affected by non-examination of handwriting expert and the non-production of handwriting expert report, because the Management though cited him as a witness had not chosen to examine him in the enquiry and hence the report of the handwriting expert was not furnished to the delinquent employee, the petitioner herein, as it was not relied upon by the Management for proving the alleged misconduct mentioned in the charge. He also relied upon the judgement reported as (1996) 3 SCC 364 *STATE BANK OF PATIALA Vs. S.K. SHARMA*. In that case it is held that "of the two witnesses 'B' was examined. The Respondent did not raise any objection during the enquiry that the non-furnishing of the copies of the statements was disabling him or had disabled him as the case may be, from effectively cross-examining the witnesses or to defend himself. No prejudice has resulted to the Respondent on account of non-furnishing him the copies of the statement of witnesses." In this case the CBI inspector was examined in the presence of the Petitioner, delinquent employee and the Petitioner has cross examined him as stated by the learned counsel for the Respondent it is not the case of the Petitioner/Workman that he raised any objection during the enquiry alleging that the non-examination of handwriting expert and the non-production of his report had caused prejudice to him and because of that he was not able to have an effective cross-examination of the Management witnesses. Further regarding the proposal made by the Presenting Officer during the enquiry in the presence of the Petitioner/Workman to dispense with the examination of the cited handwriting expert as witness for the Management, the Petitioner has not objected to the same. Therefore, it is not open to the Petitioner now to say that due to the non-examination of the said handwriting expert and the non-furnishing of the said handwriting expert's report to him vitiates the enquiry itself. Though many witnesses have been cited in the witness list, it is for the Presenting Officer to decide as to whom to be examined and whom to be dispensed with. The learned counsel for the Respondent had put forth one such argument referred to a case reported as (2000) 1 ALL INDIA SERVICE LAW JOURNAL pg. 11 *PRATAP T. TALRAJA Vs. UNION OF INDIA & OTHERS*. In that case

the Central Administrative Tribunal, Mumbai Bench held that "it is for the prosecution to decide which witnesses are to be examined out of the witnesses cited. It is not necessary to examine all the witnesses cited. There is no law or rule that all witnesses mentioned in the charge sheet should be examined. It is for the prosecution to decide and examine those witnesses who are necessary and relevant to prove the charges. If some witnesses are examined, the question is whether their evidence is sufficient to prove the charges or not. Proof of charges does not depend upon the quantum of evidence but it depends upon the quality of evidence. Therefore, the fact that only 13 witnesses were examined as against 28 witnesses cited in the charge sheet does not vitiate the enquiry as such. Therefore, in view of this decision of the Administrative Tribunal above cited, it cannot be said that the non-examination of the handwriting expert though cited as witness by the Management in the domestic enquiry, it is a violation of principles of natural justice and the domestic enquiry itself is vitiated. The Supreme Court while deciding the case reported as 1997 II LLJ 394 had gone to the extent of holding that "rejecting the request of the delinquent employee to supply those documents and that the delinquent employee had not suffered in any manner in defending himself as a result thereof," will not amount to a violation of natural justice. So under such circumstances, the argument advanced by the learned counsel for the Petitioner/Workman that the non-examination of the handwriting expert and the non-furnishing of his report to the delinquent employee, the Petitioner herein, vitiates the domestic enquiry itself, cannot be accepted as correct.

9. The next contention put forth by the learned counsel for the Petitioner/Workman is that the Enquiry Officer acted as Presenting cum Prosecution Officer by asking leading questions and cross examining the witnesses, but this has been denied by the Management. It is seen from Ex. W3 proceedings that the delinquent employees, the Petitioner herein was given sufficient opportunity to cross examine the witnesses for the Management in detail and that opportunity was availed by him. It is also seen from Ex. W3 enquiry proceedings that the Enquiry Officer had put some questions to the witnesses for clarification of some points. This has been referred to by the learned counsel for the Petitioner that the Enquiry Officer had acted as Presenting cum Prosecution Officer and it amounts to violation of natural justice and the enquiry is vitiated. For this the learned counsel for the Management would reply that as per the Supreme Court judgement reported as AIR (1975) SC 2125 MULCHANDANI ELECTRICALS Vs. WORKMAN that the Enquiry Officer in a domestic enquiry can put questions to the wit-

nesses for clarification, wherever necessary and if he allows the witnesses to cross examine thereafter, the enquiry proceedings cannot be impeached unfair. Quoting this decision of the Supreme Court as applicable to the facts of the present case, the learned counsel has argued that the Enquiry Officer in the domestic enquiry has not violated the principles of natural justice and hence the enquiry cannot be said to be vitiated. A perusal of the entire Ex. W3 enquiry proceedings, clearly show that the arguments advanced by the learned counsel for the Respondent/Management can be accepted as correct and the way in which the Enquiry Officer acted in the domestic enquiry cannot be considered as a violation of principles of natural justice to conclude the said enquiry itself is vitiated.

10. The learned counsel for the Petitioner/Workman would further contend that the duty of the Enquiry Officer is to find out whether the charge against the delinquent employee is proved or not. He cannot suggest any deterrent punishment in his report for his conclusion that the charges levelled against the delinquent employee are proved. By this act of the Enquiry Officer, it can be said that he has travelled beyond his sphere of functioning as an Enquiry Officer. This also amounts to a biased attitude taken by the Enquiry Officer against the delinquent employee. Ex. W6 is the report submitted by the Enquiry Officer. In that report at the concluding portion, para 11.5, the Enquiry Officer has stated that proved misconduct of the delinquent employee justified deterrent punishment. The learned counsel for the Petitioner/Workman has taken an exception to this suggestion made by the Enquiry Officer in his report as a biased one for this, the learned counsel for the Respondent/Management would argue as a reply that in the present case, the Enquiry Officer never recommend any specific punishment to be given. It is held in a case reported as AIR 1962 SC 1130 that "proper authority to propose punishment is Punishing Authority and not Enquiry Officer. The proposal of Enquiry Officer is not binding on the Punishing Authority". So in that decision of the Supreme Court it is not held that the proposal of punishment by the Enquiry Officer in his enquiry report amounts to violation of principles of natural justice. It is for the Punishing Authority to accept such recommendation made by the Enquiry Officer or to ignore it. As held in the above said decision of the Supreme Court the proposal of the Enquiry Officer made in his enquiry report as a punishment for the proved misconduct of the delinquent employee is not binding upon the Punishing Authority. So under such circumstances, when the Enquiry Officer, in the present case has not suggested any specific punishment

as a deterrent punishment to be given by the Punishing Authority, it cannot be said that he has violated the principles of natural justice and that he had travelled beyond the functions of an Enquiry Officer. The learned counsel for the Petitioner/Workman would further argue that the Petitioner on 15-12-1984 when he was working as at the Enquiry-cum-Refund counter where BPT No. 085444 along with refund application with an endorsement duly cancelling the ticket made by the cancellation clerk was produced, the Petitioner refunded that amount of Rs. 10,070/- to the person, who presented it, since the ticket was duly cancelled by an endorsement by the cancellation clerk. It is alleged in the charge that the Petitioner failed to maintain absolute integrity and devotion to duty and that he misappropriated the said amount belonging to the Railway Office by making false entries in the railway records, as if he has refunded the said amount on demand for cancellation by a bona fide passenger on the passenger foil of BPT No. 085444 and thereby violated Rule 3(1) (i) and 3(1) (ii) and 3(1) (iii) of Railway (Conduct) Rules, 1966. Though the Petitioner had given his explanation on 27-6-87 denying the charges, a domestic enquiry was conducted wherein the Enquiry Officer gave a finding that the charges levelled against the Petitioner was proved. The alleged misconduct for misappropriation said to have been detected after six months. The Respondent/Railway had passed an order for recovery for the amount from the Petitioner's salary, even without any enquiry and the same was also recovered. After the recovery only, the Respondent have chosen to conduct enquiry and the Disciplinary Authority by his order dated 7-12-92 imposed the penalty of removal from service. But only on appeal on 9-9-93 the Appellate Authority had modified the punishment as compulsory retirement. The Enquiry Officer had given finding in his report without any legal evidence. So the finding given by the Enquiry Officer in his report is a perverse one.

11. It is seen from records that ten witnesses were examined on the side of the Management and 30 documents were exhibited as Management witnesses. The charge sheeted employee, the petitioner herein, had not chosen to examine any defence witness and he had not filed any documents as a defence exhibit. A perusal of the entire domestic enquiry proceedings clearly show that the Petitioner, the delinquent employee, had given sufficient opportunity in the domestic enquiry for defending himself. So, it cannot be said that the Enquiry Officer had given a finding in his enquiry report without any acceptable evidence. Along with the Counter filed by the Respondent/Management, the copy of the order passed by the Central Administrative Tribunal, Madras Bench in O.A. No. 156/90 preferred by this Petitioner is filed. That petition was filed by this Petitioner before the Central Administrative Tribunal, to squash the order dated 1-6-1988 passed by the Disciplinary Authority

for removing him from service from 8-6-1988 and order of the Appellate Authority dated 4-7-1989 altering into a penalty of compulsory retirement. In that O.A. the Central Administrative Tribunal Madras Bench was pleased to hold that "it is seen from the above charge that it is not the one relating to loss caused by the breach of orders or negligence. But, instead the said loss was caused by embezzlement of corresponding money by the applicant. In such a case, the Railways money is in the first instant taken by the applicant. The recovery of that money does not amount to punishment. It is only a restoration of things in order. That is why the rule makes it clear that the penalty will be in respect of loss caused by negligence or breach of orders excluding from its scope loss caused or otherwise. In this case the recovery which has been effected is not a penalty for loss within the meaning of clause (5) of Rule 6. Therefore the effect of imposing the penalty of removal will not constitute a second punishment". In that order itself, the Central Administrative Tribunal had directed the Management to furnish a copy of the enquiry report to the delinquent and to continue the disciplinary proceedings. So from the materials available in this case, it is seen that the Petitioner cannot contend that he was not given fair and proper opportunity to put forth his defence in the domestic enquiry and the Enquiry Officer has arrived at the finding without any legal evidence. The perusal of the Enquiry Officer's report clearly shows that he has analysed the evidence placed before him in the domestic enquiry in the presence of delinquent employ, the petitioner herein, both oral and documentary and had come to a conclusion that the charges levelled against the Petitioner/the charge sheeted employee has been proved. So it cannot be said that without any legal evidence, the Enquiry Officer has given a finding and it is a perverted one. It is held in a case reported as 1998 I LLJ 629 SECRETARY TO GOVT. HOME DEPARTMENT & ORS. Vs. SRI VAIGUNDA that "the Tribunal cannot interfere with the findings of the Enquiry Officer, unless the findings are perverse and not supported by any evidence." This decision of the Supreme Court is squarely applicable to the facts of this case. So, this Tribunal cannot interfere with the findings of the Enquiry Officer, he made in his enquiry report Ex. W6.

12. The learned counsel for the Petitioner/Workman would argue that since the recovery has been made from the Petitioner there is no loss to the railways and that the punishment imposed by the Disciplinary Authority in the order he passed on 7-12-99 by removing the Petitioner from service is without appreciation of material on records and applying his mind and the Appellate Authority, while passing an order in the appeal preferred by this Petitioner had modified the punishment of removal from service to one of compulsory retirement is also without any application of mind and the ultimate punishment imposed by the Appellate Authority against the Petitioner is disproportionate to the

alleged misconduct of the Petitioner/Workman and hence, this Court may be pleased to interfere under section 11A of the Industrial Dispute Act, holding that it is only due to the negligence of the Petitioner/Workman and a lesser punishment may be imposed by directing the Management to reinstate the Petitioner with continuity of service and other monetary benefits on the ground of mercy.

13. The learned counsel for the Respondent/Management had argued that the Petitioner/Workman has not challenged the recovery of the amount by the Management and the charge of misappropriation of money of Railways/Management have been proved in the enquiry by the Management with acceptable and documentary evidence and thereby the Enquiry Officer was pleased to give a finding as it a proved misconduct of the Petitioner/Workman. Though the Disciplinary Authority thought it fit to impose the penalty against the Petitioner/workman by his order as removal from service the Appellate Authority had modified it to that of one compulsory retirement. So, it cannot be said that both the Disciplinary authority as well as the Appellate Authority have not applied their mind before imposing the penalty for the proved misconduct of the Petitioner/Workman. Further, as per the decision of the Supreme Court in the case reported as 1996 (1) LLL 170 that "Compulsory retirement from service does not amount to dismissal or removal from service within the meaning of Article 3(11), it is neither punishment nor visits with loss of retiral benefits which does not cast stigma. The officer concerned would be entitled to pension and there is no diminution of accrued benefits." So in view of this decision and the available materials in this case, it is seen that the penalty imposed by the Respondent/Management against the Petitioner/Workman for the proved misconduct of misappropriation of Railways money is quite proportionate to the gravity of the charges. So, under such circumstances, there is no scope of this Tribunal to interfere with the punishment imposed by the Respondent/Management against the Petitioner/Workman under section 11A of the Industrial Disputes Act.

14. In view of these findings, I come to the conclusion that the action of the Management of Southern Railway, Madras in ordering retirement of Shri S. Singaravelu and Enquiry-cum-Reservation Clerk compulsorily from services is just proper and legal and hence the concerned workman is not entitled to any relief. Thus, I answer the point accordingly.

15. In the result, an award is passed holding that the action of the Management Southern Railway, Madras in ordering retirement of Sri S. Singaravelu, the Petitioner/I Party/Workman compulsorily from service is just, proper and legal. The concerned workman is not entitled to any relief. No. Cost.

(Dictated to the Stenographer, transcribed any type by him, corrected and pronounced by me in the open court on this day the 6th June, 2001).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : NONE

Documents Marked :

For I Party/Workman:

Ex. No.	Date	Description
W 1	23-07-86	Xerox copy of memorandum issued by the Respondent to the Petitioner.
W 2	27-06-87	Xerox copy of the Defence statement by the Petitioner to the Management.
W 3	07-08-87	Xerox copy of the Enquiry Proceedings of the Enquiry Officer
W 4	03-12-87	Copy of written submissions of the Presenting Officer in the Disciplinary Proceedings against the Petitioner.
W 5	--	Copy of written brief of the Petitioner to the charge sheet.
W 6	14-04-98	Xerox copy of the findings of the Enquiry Officer.
W 7	03-07-89	Xerox copy of order of removal from service by the Management to the Petitioner.
W 8	04-03-91	Xerox copy of order in O.A. No. 156/90 passed by the Central Administrative Tribunal, Madras Bench.
W 9	20/23-9-91	Copy of the letter from Management enclosing the Enquiry Officer's report to the Petitioner.
W 10	14-11-91	Copy of letter from the Respondent to the Petitioner.
W 11	21-11-91	Copy of submission of the Petitioner on the findings of the Enquiry Officer to Management.
W 12	06-12-91	Copy of letter from the Petitioner to the Management.
W 13	08-12-92	Copy of letter enclosing the order from the Management to the Petitioner.
W 14	21-12-92	Copy of appeal submitted by the Petitioner to the Management.
W 15	09-09-93	Copy of order of the Appellate Authority to the Petitioner.

For II Party/Management : NIL

नई दिल्ली, 21 जून, 2001

का.आ. 1675:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ बीकानेर एंड जयपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-6-2001 को प्राप्त हुआ था ।

[मं. एल-12012/64/99-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S. O. 1675.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 20-6-2001.

[No. L-12012/64/99/IR-(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JAIPUR
Case No. J-27/99

Reference No. L-10012/64/99/IR (B-I)

Dated : 13-5-1999

The President,

A. B. Safai Karmachari Sangh (Rajasthan),

C/o Central Bank of India, M. I. Road,

Jaipur (Rajasthan)-302001

..APPLICANT UNION

v/s

The Regional Manager,

State Bank of Bikaner & Jaipur, Sarojini Marg,

C-Scheme, Jaipur (Rajasthan)-302001

..NON-APPLICANT

ATTENDANCE :

For the applicant : Shri Kan Singh Rathore, Adv.

For the non-applicant : Shri N. C. Goyal, Adv.

Date of Award : 17-5-2001

AWARD

The Central Government has referred the following industrial dispute under clause (d) of sub-section (1) and sub-section 2 (A) of the Section 10 of the 2063 GI/2001—24

Industrial Dispute Act, 1947 (hereinafter referred as Act, 1947) for adjudication.

“Whether the action of the management of State Bank of Bikaner & Jaipur in not paying the arrears of wages @ half of the scale wages as per Settlement dated 5-3-92 for the period from 1-7-74 to 21-7-97 to Shri Sanjay Kumar, Sweeper is legal and justified ? If not, to what relief the said workman is entitled and from which date ?”

The statement of claim was filed by the President, All Bank Safai Karmachari Sangh (hereinafter as the Sangh) and Sanjay Kumar (hereinafter referred as the applicant). It was stated in the claim that Sangh is registered and the applicant is the active member of the Sangh. The applicant was appointed in Sanganer Branch of State Bank of Bikaner & Jaipur, (hereinafter referred as the Bank) w.e.f. 1-7-94 on monthly wage of Rs. 175 per month as per the circular of the Bank dt. 24-4-92. Since then he has been working in the bank honestly. He was performing the duty from 8 AM to 2 PM and, therefore, falls within the category of full-time workman. He had been cleaning the premises of the Bank which is 5000 square feet and inspite of it he has been paid Rs. 175 pm. He was given half scale of the wage since 21-7-97 while he should have been allowed full scale of wage from the beginning. It was prayed that the applicant be declared as full time workman w.e.f. 1-7-94 and be granted full scale wage from the same date.

In reply on behalf of the non-applicant it was stated that the Sanganer Branch of the Bank does not fall within the control of Regional Manager(I) and therefore, the claim is liable to be dismissed on the ground of misjoinder of the parties. It was also stated that the Regional Manager does not have independent legal status and on the other hand the Bank has its legal status under section 4 of State Bank of subsidiary Banks Act. The claim can be filed against the Bank and not against the Officer of the Bank. It was also prayed that the applicant had accepted the conditions of service and, therefore, is stopped from raising the dispute. It was denied that the applicant had worked in the Bank from 8 AM to 2 PM. It was stated that the applicant used to work for less than 6 hours in a week and, therefore, does not fall in the category of full time workman. The applicant has been paid wages as per the circular of the Bank dt. 29-4-92. The wage of the applicant has been increased w.e.f. 14-7-97 on account of increase in the working hours. It was denied that the sweeping area of the Bank is 5000 square feet.

The applicant filed rejoinder to reply, reiterating the facts alleged in the claim petition. On the basis of the pleadings of the parties the following points of disputes were framed :

विवाद बिन्दु

1. आया विपक्षी संस्थान द्वारा प्रार्थी की प्रथम नियुक्ति से प्रातः 8 बजे से दोपहर 2 बजे तक कार्य लिया जाता रहा है व वह पूर्णकालिक क्रमिक की परिभाषा में आता है ।
2. आया मिस्जोइंडर आफ पार्टीज के आधार पर क्लेम खारिज होने योग्य है ?
3. आया प्रार्थी यूनियन रजिस्टर्ड ट्रेड यूनियन है व क्रमिक संजय कुमार उक्त यूनियन का सदस्य है ?
4. आया वेतन का निर्धारण शेषफल के आधार पर न होकर कार्य के घंटों के अनुसार होता है ?
5. प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

On behalf of the applicant the affidavits of Sanjay Kumar & Deendayal Dewal were filed. The learned counsel for the non-applicant was given opportunity to cross examine him on their affidavits. In the form of documentary evidence, copy of the circular dt. 29-4-92, marked W-1, copy of the memorandum of settlement marked Ex-2, copy of the applications marked Ex-W-3 & Ex-W4, copy of the note sheet Ex-W-5 and copy of the circular dt. 10-2-93 marked Ex-W8-6 were filed. On behalf of the non-applicant the affidavit of Satish Kumar Ajmera, Deputy Manager of the Bank was filed. The learned representative of the applicant was given opportunity to cross examine him on his affidavit.

Heard arguments on behalf of both the parties and perused the record. The points are decided as follows :

POINT No. 1 & 4 ; The applicant has stated that he was taken on duty w.e.f. 1-7-94 on wage @ Rs. 175 pm. He had been cleaning the premises of the Bank which is 5000 square feet and used to work from 8 AM to 2 PM. In cross examination he has stated that the outer area of the Bank is 2500 to 3000 square feet. Deendayal Denwal has supported the statement of the applicant. On the other hand Satish Kumar Ajmera has stated that the applicant has not worked from 8 AM to 2 PM and used to work for less than 6 hours in a week. With effect from 14-7-97 he is working for about 18 hours in a week. In cross-examination he has stated that no contract was entered into with the applicant about the area to be cleaned and working hours. He has stated that he cannot say as to whether the sweeping area of the branch of the Bank is the same which was on 1-7-94. The statement of the applicant that he used to work for 6 hours daily is not believable as in the application dt. 19-6-96 marked W-3 it has been stated that he was working 4 hours per day. It may be stated that the jurisdiction of the Tribunal is limited to the point of disputes referred in the reference order. The point of entitlement of the applicant for full time workman has not been referred for adjudication and, therefore, no decision is required to be given about the same. Satish Kumar Ajmera has stated that wages are paid not on the basis of area but on the basis of working hours. The circular of the Bank Ex-W-1 dt. 29-4-92 is being reproduced here as under :

स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर

प्रधान कार्यालय

जयपुर

परिपत्र संख्या कामिक/8/92-93

तिथि : वैशाख 9, 1914(शक)

दिनांक : अप्रैल 29, 1992

सफाई कर्मचारियों/फरशियों के वेतन का निर्धारण करने के मानदण्ड

कृपया प्रधान कार्यालय के परिपत्र संख्या कामिक/82/89-90 दिनांकित 20 अक्टूबर 1989 का अवलोकन करें।

2. स्टेट बैंक ऑफ ब्रीकानेर एण्ड जयपुर कर्मचारी समन्वय समिति के साथ हुए समझौते के अनुसार हमारे बैंक में सफाई कर्मचारियों/फर्राशों के वेतन का निर्धारण करने हेतु निम्नलिखित मानदण्ड निश्चित किए गए हैं :—

सफाई किया जाने वाला क्षेत्र	प्रति सप्ताह कार्य के घंटे	वेतनमान
(अ) 600 वर्ग फुट तक	3 घंटे तक	बैंक के विवेकाधिकार के अनुसार, न्यूनतम 100/—रु. प्रतिमाह।
(ब) 601 वर्गफुट से 1200 वर्गफुट से कम	3 घंटे से अधिक लेकिन 6 घंटे से कम	बैंक के विवेकाधिकार के अनुसार लेकिन न्यूनतम रु. 175/—प्रतिमाह
(स) 1200 वर्गफुट से 2000 वर्गफुट	6 घंटे से 13 घंटे तक	एक तिहाई वेतन के बराबर व आनुपातिक वार्षिक वेतन वृद्धि
(द) 2001 वर्गफुट से 3500 वर्गफुट	13 घंटे से अधिक व 19 घंटे से कम	1/2 वेतनमान के बराबर व आनुपातिक वार्षिक वेतन वृद्धि
(य) 3501 वर्गफुट से 5000 वर्गफुट	19 घंटे से अधिक व 29 घंटे तक	3/4 वेतनमान के बराबर आनुपातिक वार्षिक वेतन वृद्धि।
(र) 5001 वर्गफुट और अधिक	29 घंटे से अधिक	पूरा वेतनमान

3. उपरोक्त मानदण्ड 1 मार्च 1992 से लागू होंगे तथा पूर्णकालीन वेतनमान में कर्मचारियों की नियुक्ति के अनुमोदन करने हेतु महाप्रबन्धक (परिचालन) सक्षम प्राधिकारी होंगे।

4. उपर्युक्त मानदण्डों के आधार पर की जाने वाली अंशकालीन नियुक्तियों हेतु शाखाओं के लिए उनके सम्बन्धित नियंत्रक प्राधिकारी अंचल कार्यालयों/क्षेत्रीय कार्यालयों हेतु अंचल प्रमुख एवम् प्रधान कार्यालयों हेतु महाप्रबन्धक (परिपालन) की पूर्वानुमति प्राप्त करना पहले की तरह जारी रहेगा।

5. शाखा प्रबन्धक/विभागाध्यक्ष/नियंत्रक प्राधिकारियों से विशेष सूचि की नोट करने तथा इस परिपत्र का प्रतिसंस्वर्भ उपर वर्णित परिपत्र पर अंकित करने का अनुरोध है

कृष्ण लाल गगन

महाप्रबन्धक

परिपालन

The memorandum of settlement marked Ex-w-2 on the basis of which the circular of the Bank dated 29-4-92 has been issued provides as follows :—

A memorandum of settlement arrived at on 5th March 1992 between, the management of State Bank of Bikaner and Jaipur represented by its Manager, Industrial Relations and State Bank of Bikaner and Jaipur Employees Co-ordination Committee on behalf of Award Staff members of Bank represented through its General Secretary Shri Dilip Bhatia. The matter related to the demand raised by the employees of the Bank for fixation of working hours for sweepers/farrashes of the Bank according to the area available at the branch/office for daily sweeping.

2. It was agreed to that working hours of such employees should be fixed as per following table with effect from 1st March, 1992 on the condition that upto 29-02-1992 instructions contained in Bank Circular No. PER/ 82/89-90 will continue to be adhered to :—

AREA TO BE CLEANED	HOURS OF WORK per week	PAY SCALE
(a) Upto 600 Sq. Ft.	Upto 3 hours	At Bank's discretion with a minimum of Rs. 100/- p.m.
(b) 601 Sq. Ft. to 60 less than 1200 Sq. Ft.	More than 3 hrs. but less than 6 hours	At Bank's discretion but with a minimum of Rs. 175/- p.m.
(c) 1200 Sq. Ft. to 2000 Sq. Ft.	6 hours to 13 hours	One third of the scale wages with proportionate annual increment.
(d) 2001 Sq. Ft. to 3500 Sq. Ft.	More than 13 hrs to 19 hrs.	1/2 of the scale wages with proportionate annual increment.
(e) 3501 Sq. Ft. to 5000 Sq. Ft.	More than 19 hrs to 29 hrs.	3/4th of the scale wages with proportionate annual increment.
(f) 5001 Sq. Ft. and above	Above 29 hrs.	Full scale wages.

In consideration of the above both the parties hereby record the settlement reached on the above subject and put their signature herein.

(DILIP BHATIA)
General Secretary
All India Sbbj Employees)
Co-ordination Committee
2063 GI/2001—25

(R.D. DUGGAL)
Manager
Industrial Relations

As per para (2) of the memorandum of settlement and para (2) of the circular dt. 29-4-92 referred above the working hours of the Safai Karamcharis are required to be fixed accordingly to the area to be swept. The statement of Satish Kumar Ajmera, therefore, that wages are fixed as per the working hours and not on the basis of area, has no substance. It may be stated that there is no evidence on behalf of the non-applicant as to how much area the applicant had been sweeping. There is evidence on behalf of the applicant that he has been sweeping premises of the Bank which is 5000 sq. ft. There is no evidence that the area of the Bank has been increased w.e.f. 14-7-97 the date on which the applicant has been allowed half of the scale of the wages. The working hours are to be fixed as per the area and if the applicant was entitled to one half scale of the wages from 14-7-97 the sweeping area being the same, there is no justification for not allowing him half of the scale of wages w.e.f. 1-7-94 to 14-7-97 even if it is assumed for the sake of the arguments that the sweeping area of the Bank does not exceed 3500 sq. ft. and is in between 2500 sq. feet to 3500 sq. feet for which working hours are required to be fixed for more than 13 hours to 19 hours and, therefore, the applicant was eligible to half of the scale of wages.

POINT NO. 2 : The claim has been amended by the applicant in place of Regional Manager (1) as the non-applicant the Regional Manager has been substituted Section 4 of the State Bank of Subsidiary Banks Act has no relevancy in respect of filing the statement of claim under the Act, 1947. It is not the contention of the non-applicant that the Regional Manager is not the employer as defined in the Act, 1947. The contention, therefore, that there is misjoinder of the parties in the claim has no substance.

POINT NO. 3 : The applicant has filed the copy of the certificate of the registration of the Sangh from which it is evident that the Sangh is registered. The learned representative for the non-applicant has contended that there is no proof that the applicant is the member of the Sangh. It may be stated that in answer to the claim it has not been specifically denied, that the applicant is not the member of the Sangh. Apart from that the applicant has stated that he is the member of the Sangh. His Statement is also corroborated from the statement of Deendayal denwal. Although no receipt of the membership had been filed in view of the above circumstances the statement of the applicant cannot be disbelieved. The point is, therefore, decided against the non-applicant.

POINT NO. 4 : On the basis of the above discussion the action of the management of the Bank in not paying half of scale of wages w.e.f. 1-7-94

to 13-7-97 is not justified and the applicant is entitled to half of the scale of wages from the Bank for the above period. The non-applicant is directed to pay the arrear to the applicant within a period of three months failing which the applicant will be entitled to get interest @ 10% per annum on the amount of the arrear till the date of payment.

The copies of the award may be sent to the Central Government under Section 17 (1) of the Act, 1947 for publication.

नई दिल्ली, 22 जून, 2001

का. आ. 1676.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[नं. एच-12012/64/91-अर्ज आर (बी-III)/(बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi the 22nd June, 2001

S. O: 1676—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman which was received by the Central Government on 22-6-2001

[No. L- 12012/64/91-IR-(B-III)/(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

Before Shri B. L. Jatav, Presiding Officer, Central Govt., Industrial Tribunal-cum-Labour Court. Chandigarh.

Case No. I. D. 77 of 1992

The General Secretary
State Bank of India Staff Congress
Legal Head Office, Sector 17,
Chandigarh.

..Petitioner

Vs.

The General Manager (Operations)
State Bank of India
Local Head Office, Sector 17.
Chandigarh.

..Respondent

REPRESENTATIVE :

For the workman Shri J. G. Verma
For the management Shri Ashok Khullar

AWARD

(Passed on 15th of May, 2001)

The Central Govt. Ministry of Labour vide Notification No. L-12012/64/91-I. R. B. III dated 9th July, 1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of India in offering Permanent appointment on 3/4th wages to the workman Shi Sripal, already working on Temporary basis on full scale wages, is justified? If not, to what relief, the workman is entitled to?”

2. The claim of the workman in brief is that he was employed by the bank as sweeper against the permanent regular vacancy and the wages were paid to him at starting of the service @ Rs. 10/ per day which was increased to Rs. 12/ per day and finally the scale wages were allowed by the management, during the year 1985. He is working continuously from the year 1986 against permanent vacancy which is still in existence. But the management appointed him in permanent cadre on 3/4 wages though he had completed more than three years continuous service on full pay. Other employees juniors to him had been absorbed as permanent full time sweeper but the workman was ignored and kept temporary only because he agitated the issue of denial of equal pay for equal work. Shri Rajbir, Jagroop and Abhey Chand had been taken in full time permanent employment but the management had offered him appointment on 3/4 wages which amounts to unfair labour practice. He is entitled to get the usual wages for equal work. Therefore, the difference of wages be paid to him along with other incidental reliefs.

3. The management has alleged in its written statement that the workman was appointed as a temporary part time sweeper Rs. @ 10 and Rs. 12 per day. Subsequently he was engaged as temporary sweeper on 1/2 scale wages since 2-5-1988. He was considered for permanent appointment taking into consideration his total temporary part time service and he was found eligible only for appointment on 3/4 scale wages according to the provisions made in the Bipartite Settlement of 17-11-1987 made between the bank and the All India SBI Staff Federation. Workman did not accept the permanent appointment on 3/4 scale wages. Therefore, other employees were offered appointment on full scale for 3/4 or half scale taking into consideration the period of their

temporary service. They have been made permanent sweeper but the workman choose to continue as temporary employee. Had he accepted permanent appointment on 3/4 scale wages he would have been upgraded to full scale wages in due course. The management has not practised unfair labour practice. The workman is habitual of indulging into unnecessary litigation. His claim has no merit. Therefore, it should be dismissed with no relief.

4. The workman has filed rejoinder reaffirming the allegations made in the claim statement.

5. The workman has filed LCA No. 171/89 prior to this reference order for realising the difference of wages. This relief has been included in the terms of the reference as consequential one. In that LCA No. 171/89 the order was passed on 4-10-1999 for the disposal alongwith the present reference.

6. The workman has submitted his affidavit Ex. W 1 and other documents Ex. W 2 and W 3 in which the place of posting of the workman and duration of his service have been shown. The management has filed the affidavit of the Manager Desh Bandhy which has been marked as Ex. M 1. The workman Shri Siri Pal has disposed in his affidavit that he was employed as sweeper on 25-6-1984 against the full time vacancy but he was paid only Rs. 10 per day in the start which was subsequently raised to Rs. 12 per day. Later on he was given scale wages at the rate of half wages for the period of about one year. After that he was given full wages in the relevant scale wage/wages. During the year 1987 he was offered appointment on 3/4 of scale wages whereas junior sweeper were appointed on full wages at local head office Chandigarh. Therefore, he is entitled to get the difference of salary paid less to him.

7. The witness of the management has deposed in his affidavit that the workman was not appointed against any permanent vacancy but he was engaged as casual labourer on different occasion. Since 2-5-1988 he was engaged as temporary part time sweeper on half of the scale wages. If terms of the provisions of Bipartite Settlement dated 17-11-1987 he was considered for permanent appointment taking into consideration his total temporary part time service and he was found eligible for appointment in permanent capacity on 3/4 of the scale wages. Now the workman has been absorbed in full scale wages since 3-1-1994. On persual of the documents Ex. W 2 and W 3 it is evident that the workman was engaged as casual labourer. He was not employed against permanent vacancy. As per Ex. W 3 the workman has worked for 911 days up to the month of July 1987. These documents have been submitted

by the workman which indicates that the workman is telling lie concealing the actual facts of his claim. As per terms of the Bipartite Settlement dated 17-11-1987 he was found eligible for the post of permanent sweeper on 3/4 of the scale wages. This settlement was entered into between management of State Bank of India and All India SBI Staff Federation. Keeping in view the terms of the Bipartite Settlement the action of the management can not be held unjustified. Consequently the workman is not entitled to get any relief, on the strength of his claim.

8. The rep. of the workman has referred the case of Bhagwati Parshad Vs. Delhi State Mineral Development Corpn. (AIR 1970 S. C. 371) in which the Hon'ble Supreme Court has laid down the legal proposition that the equal wages should be paid to the workman for equal work. But the facts of this case law are not identical to those of the case under consideration. Therefore, this case law is not applicable in this case.

9. Taking into consideration the evidence adduced in this case and keeping in view the terms of the Bipartite Settlement dated 17-11-1988 this Tribunal comes to the conclusion that the action of the management in offering permanent appointment on 3/4 scale wages to the workman is justified. Therefore, the reference is answered holding that the action of the management of State Bank of India in offering permanent appointment on 3/4 wages to the workman Shri Siripal, already working on temporary basis on full scale wages is justified. Consequently the workman is not entitled to any relief. Both parties shall hear their own cost.

Appropriate Govt. be informed.

Chandigarh

15-5-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.प्र. 1677.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संबन्धित के पेशाब को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 प्राप्त हुआ था।

[सं. एल-12012/106/94-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S. O. 1677.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in the relation to the management of State Bank of India and their workman, which was received by the Central Government on 22-6-2001.

[No. L-12012/106/94-IR-(B-I)]

AJAY KUMAR, Desk Officer
ANNEXURE

Before Shri B. L. Jatav, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chandigarh.

Case No. ID 65 of 1995

Sh. N. K. Jain

C/o Sh. Tek Chand Sharma

25-Sant Nagar, Civil Lines

Ludhiana-141001.

....Petitioner

Vs.

The Regional Manager,
State Bank of India
Zonal Office-1 B.
Sector-17 B, Chandigarh.

....Respondent.

APPEARANCE :

For the Workman : None

For the management : None

AWARD

(Passed on 17th May, 2001)

The Central Government Ministry of Labour vide Notification No. L-12012/106/94-I.R. (B. I) dated 19th Feb. 1995 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of India in dismissing Shri N. K. Jain from service w.e.f. 30-8-1993 is legal and justified ? If not, to what relief the workman is entitled ?"

2. Today the case was fixed for filing of claim statement. None has put up appearance despite notice, nor any claim statement has been filed though the case is pending for the last 1995. It appears that workman is not interested to pursue with the present reference. In view of the above situation since no claim statement has been filed and no one is putting appearance on behalf of the parties the present reference is returned to the Ministry, for want of prosecution. Appropriate Govt. be informed.

Chandigarh

17-5-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.प्र. 1678.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबंध निगोशियों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं. एल.-12012/294/97-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S. O. 1678.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 22-6-2001.

[No. L-12012/294/97-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. ID 186 of 1998

The General Secretary,
All India State Bank of Patiala Staff Federation,
House No. 13,
Ward No. 6,
Solani (H.P.)-173 212. —Petitioner

Vs.

The General Manager (OP)
State Bank of Patiala,
Head Office,
Patiala-147 001. —Respondent

APPEARANCE :

For the workmen : None.

For the Management : Shri N. K. Zakhmi

AWARD

(Passed on 28th May, 2001)

The Central Govt. Ministry of Labour vide Notification No. L-12012/294/97-IR (B-I) dated 28-8-1998 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of Patiala i.e. Regional Manager (I),
2063 GI/2001-26

State Bank of Patiala, Ambedkar Chowk, Jalandhar, and General Manager (OP), State Bank of Patiala, Head Office, Patiala in transferring Shri P. V. Sood, Clerk-cum-Cashier from Amritsar to Sultanpur Lodhi amounts to unfair labour practice as defined under Section 25-U of I.D. Act? If not, to what other relief the workman is entitled to and from what date?”

2. Today the case is fixed for filing of affidavit by the workman. None has put up appearance on behalf of the workman, despite several notices. It appears that workman is not interested to pursue with his case. In view of the above, the present reference is returned to the Ministry for want of prosecution. Appropriate Govt. be informed.

Chandigarh.

B. L. JATAV, Presiding Officer
28-5-2001

नई दिल्ली, 19 जून, 2001

का.प्र. 1679.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास रिफाइनरीज लि., मनाली के प्रबंधन के संबंध निगोशियों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं. एल.-30012/79/96-आई आर (सी-1)]

एन पी केशवन, डेस्क अधिकारी

New Delhi, the 19th June, 2001

S.O. 1679.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Madras Refineries Ltd., Manali and their workman, which was received by the Central Government on 15-6-2001.

[No. L-30012/79/96-IR (C-I)]

N. P. KESHWAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 31st May, 2001

PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 460/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 109/97)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, between the Workman Shri T. Baskar and the Management, Madras Refineries Ltd., Madras.)

BETWEEN

Shri T. Baskar

I Party/Workman

AND

The General Manager,
Madras Refineries Ltd.,
Manali, Madras

II Party/Management

APPEARANCE :

For the Workman :

M/s. T. Fenn walter, Ms. D. Geetha &

Ms. Soundhari Chandrasekaran, Advocates.

For the Management :

M/s. S. Jeyaraman and H. Balaji, Advocates.

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-30012/79/96-1R (Coal-1) dt. 09/10-11-1997 :

"Whether the claim of Shri T. Baskar that he was engaged by the Management of Madras Refineries Ltd., Manali and that his services were illegally terminated by the Management is legally justified? If so, to what relief is the Workman entitled?"

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 109/97. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt., this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D. No. 460/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal on the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 01-03-2001.

3. When the matter was taken up for enquiry on 01-03-2001, the counsel for the II Party alone was present. Both the parties and the counsel for the I Party were not present. As neither party to this dispute have filed the documents on their side, the case was adjourned to 15-03-2001, extending time for them to file the respective documents, they rely upon for this dispute. As the Presiding Officer was on

leave this case was also posted to 29-03-2001 along-with other cases. On 29-03-2001 the counsel for the I Party alone was present. Both the parties were not present. The counsel for the I Party also not present. Neither party have filed their documents. Hence, the case has been adjourned to 24-04-2001 for enquiry. Though the matter was taken up for enquiry on 24-04-2001, then on 17-05-2001, both the parties remained absent. The counsel for the II Party alone was present. The counsel for the I Party was not present. Since the case was referred by the Ministry to this Tribunal for adjudication as early as 9/10-11-1997, and is pending for all these days without any progress except filing of pleadings on either side, the case was adjourned to finally for enquiry on 31-5-2001.

4. When the matter was taken up for enquiry today, i.e. 31-05-2001, the counsel on either side are not present. As usual both the parties remained absent. There is no representation on either side. Though this case happens to be a case pending from 1997 for adjudication from the date of reference by the Govt., neither party evince any interest except filing their respective pleadings. In spite of this case has been adjourned for enquiry earlier by the Tamil Nadu State Industrial Tribunal and subsequently on transfer by this Tribunal, neither party to this industrial dispute has come forward to prosecute this case. Due to the non-appearance and inaction of the I Party enables this Tribunal to conclude that no industrial dispute as such now existing between the parties. Hence, this industrial dispute is dismissed for default and for non-prosecution.

5. In the result, an award is passed holding that 'No dispute' exists between the I Party/Workman and the II Party/Management and the reference is closed as dismissed. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st May, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 21 जून, 2001

का.प्र. 1680:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार ओ.एन.जी.सी. लि., के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिग्रहण, चैन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं. एल-30012/69/97-ग्राई आर (सी-I)]

एन.पी. केशवन, ईस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1680.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ONGC Ltd. and their workman, which was received by the Central Government on 15-6-2001.

[No. L-30012/69/97-IR (C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 18th May, 2001

PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 505/2001

(Tamil Nadu Industrial Dispute No. 96/98)

(In the matter of the dispute for adjudication under Section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the Workman, Sri K. Vanjinathan and the Management, The Group General Manager, ONGC Ltd., Karaikkal.)

BETWEEN

Shri K. Vanjinathan I Party/Workman

AND

The Group General Manager, II Party/Management
ONGC Ltd., Karaikkal.

APPEARANCE :

For the Workman :

Sri Santhanam, Union Rep.

For the Management :

Sri P. Arulmudi, Advocate.

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-30012/69/97-IR (Coal-I) dated 30-6-98 :—

“Whether the termination of the services of Shri K. Vanjinathan with effect from 2-11-1989 by the Management of ONGC Ltd., Karaikkal is justified? If not, to what relief is the workman entitled?”

2. This reference has been made earlier to the Tamil Nadu Industrial Tribunal, was taken on file

there as I.D. No. 96/98. On receipt of notice from the Tribunal, both the parties entered appearance, the first party through Union representative and the II Party through their counsel and filed their respective Claim Statement and Counter Statement. When the matter was taken up for enquiry there the Petitioner had filed his proof of affidavit on 10-8-2000 and that was treated as the evidence in Chief of the Workman as WW1 and the documents filed by him were marked as Ex. W1 to W5 and the case was pending for cross examination of WW1. Though the case was adjourned by the Tamil Nadu Industrial Tribunal from time to time for the cross examination of WW1 by the counsel for the Management, the Workman has not chosen to appear till this case has been transferred from there to the file of this Tribunal for adjudication on the orders of the Central Govt.

3. On receipt of records, this case was taken on file in this Tribunal as I.D. No. 505/2001 on 16-2-2001 and notices were sent by Registered Post with acknowledgement due to the I Party/Workman and the counsel on record for the II Party Management, informing them about the transfer of this case from Tamil Nadu Industrial Tribunal to the file of this Tribunal with a direction to both the parties to appear before this Tribunal on 22-3-2001 to prosecute this case. Though the notices were duly served, neither party nor their respective representative was present before this Tribunal on 22-3-2001. Subsequently, the counsel for the II Party alone was present on a later hearing. Though the case was adjourned from time to time for the cross examination of the workman (who was examined in Chief as WW1 before the Tamil Nadu State Industrial Tribunal on 23-11-2000 itself) by the counsel for the Management, the I Party/Workman has never turned up before this Tribunal so far. Since the case is posted today finally for the cross examination of WW1 and he is not present to subject himself for cross examination by the counsel for the Management present in Court and in the absence of any representation on behalf of the Petitioner/Workman this Tribunal has no other option but to conclude the enquiry. The inaction of the workman and his non-appearance for all the adjourned hearings from 23-11-2000 first before the Tamil Nadu Industrial Tribunal, then subsequent to transfer of this case before this Tribunal enable this Tribunal to conclude that the I Party/Workman/Claimant has no inclination or interest to prosecute this case further. Hence, this Industrial Dispute raised by the I Party/Workman is dismissed for default for non-representation and non-prosecution.

4. In the result, an award is passed holding that ‘No dispute’ now exists between the parties. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th May, 2001).

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 21 जून, 2001

का.प्र.1681:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं. एल-20012/278/90-आई आर (सी-I)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi the 21st, June, 2001

S.O. 1681:—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government, hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 15-6-2001.

[No. L-20012/278/90-IR (C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 45 OF 1990

PARTIES : Employers in relation to the management of Kooridih Colliery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen	None.
On behalf of the employers	Shri B. Joshi, Advocate.
State : Jharkhand	Industry : Coal.
Dated, Dhanbad, the 6th June, 2001	

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/278/90 I R. (Coal-I), dated, the 18th December, 1990.

SCHEDULE

"Whether the action of the Management of Kooridih Colliery in Govindpur Area No. III of M/s. BCCL in dismissing the workman Shri Parhalad Bisai w.e.f. 26.10/1-11-89 is justified? If not, to what relief is the said workman entitled?"

2. In this reference both the parties appeared and filed their respective W.S. Subsequently at the stage of oral evidence the workman side abstained from taking any further steps. The reference is pending since 1990 and it is of no use to drag the same any more. Under such circumstances, a 'No dispute' Award is rendered and the reference is disposed of on the basis of 'No dispute' Award on the presumption of non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer.

नई दिल्ली, 21 जून, 2001

का.प्र.1682:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2001 को प्राप्त हुआ था।

[सं. एल-20012/83/94-आई आर (सी-I)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi the 21st June, 2001

S.O. 1682:—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 15-6-2001.

[No. L-20012/83/94-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 69 of 1995

Parties : Employers in relation to the management of Bhowra (S) Colliery of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman Shri S. Bose,
Treasurer,
R.C.M.S. Union

On behalf of the employers Shri B. Joshi,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 6th June, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (83)/94-I.R. (Coal-I), dated, the 19th April, 1995.

SCHEDULE

"Whether the action of the management of Bhowra(S) Colliery under Bhowra Area of M/s. BCCL in not referring Sri Kartar Singh, Tyndal Jamadar to Medical Board to declare him medically unfit is justified? If not, to what relief the concerned workman entitled?"

2. The case of the workmen in brief is as follows :

The concerned workman in his W.S. submitted that he was a permanent employee of Bhowra Colliery with effect from July, 1951 as Tyndal and subsequently promoted to the post of Tyndal Jamadar. In the year 1989 the concerned workman became in dispose with pain the knee and on the back and for which it created impact to carry on his job as Tyndal Jamadar. Accordingly he received initial medical treatment at Bhowra (South) Colliery hospital. Thereafter as he received no relief of his pain he requested the management to send him to the Area Medical Board for his medical examination as he was unable to perform his duties. On the basis of his prayer the management forwarded to his application to the Medical Superintendent Bhowra (S) Hospital for his opinion and the said Superintendent after examining him submitted him comment to that effect. Thereafter the concerned workman on 16-5-91 submitted a petition to the Agent, Bhowra (South) Colliery for sending him to the medical board and providing employment of his son under clause 10.4.3. of NCWA-II. Thereafter the Agent, Bhowra (S) Colliery by letter dt. 14/18-6-91 addressed to the Dy. Chief Personnel Manager Bhowra Area referred the case of the workman for his medical examination by the Area Screening Board. Thereafter the concerned

workman was forwarded to the Jealgora Central Hospital by order of the Medical Superintendent Bhowra Hospital on 5-10-91. Thereafter the Dy. Chief Officer Bhowra (South) Colliery prepared a list of 12 workmen of Bhowra (South) Colliery directing them to appear before the Screening Committee for Disability Medical Board on 18-1-92 at Jealgora Central Hospital and in that list the name of the concerned workman mentioned at Sl. No. 4 but his name was scratched out and the name of one Tulsi Singh was inserted in his place and for which he could not appear before the Screening Committee for Disability Medical Board on 18-1-92 or on any date, thereafter at Jealgora Central Hospital or any other hospital of the management. It has been alleged by the concerned workman that the benefit which he supposed to get as per Clause 10.4.3. of NCWA-II could not be availed of and was deprived of his legitimate claim for employment under the management. Accordingly he submitted a petition to the ALC(C) Dhanbad raising industrial dispute but due to non-cooperation on the part of the management the said dispute was ended in failure and for which the ALC(C), Dhanbad-III submitted a report dt. 8/9-1-94 of F.O.C. before the Govt. of India, Ministry of Labour. Hence the reference with a prayer for passing an Award in his favour directing the management to provide employment to his son as if he has been declared medically unfit on the basis of the medical report done and the X-ray during October, 1991 and that further relief as the Tribunal may deem fit and proper.

3. The management on the contrary after filing W.S.-cum-rejoinder has denied all the claims and allegation which the concerned workman asserted in his W.S. It has been submitted by the management that the concerned workman was appointed on 1-7-51 and declared his date of birth as 20-10-31 which was recorded in the Form B Register maintained under Section 48 of the Mines Act, 1952 read with Rule 77 Mines Rules, 1955. The management submitted that the concerned workman was superannuated with effect from 20-10-1991 after completion of 60 years of age in usual course. His service was never terminated on account of medical unfitness before he attained the age of superannuation. Accordingly, the management submitted that the instant dispute which the concerned workman raised does not come within the purview of Industrial dispute. It has been disclosed by the management that due to inadvertant mistake the name of the concerned workman was included in the list of workman to be sent for medical examination required to be held on 18-1-92 at Jealgora Central Hospital. In that connection the letter dt. 15-1-92 under the signature of Dy. C.M.E. Bhowra (South) Colliery was issued to several workman included in the list. At that time, It was discovered that the concerned

workman had already crossed the age of superannuation on 20-10-91 and was not on the roll of the company and his name was wrongly included in the list. Accordingly his name was struck off from the said list. The management submitted that taking the opportunity of that inadvertant mistake the concerned workman alleged that striking out his name from the list appearing in the letter dt. 15-1-92 and not sending him to the screening committee for sending him to Disability Medical Board was illegal and unjustified. It has been submitted further that the demand of the concerned workman was absurd as because he had by that time already superannuated from his service with effect from 20-10-91 in the usual course and the question of sending him to the screening committee for recommendation to get his appearance before the Disability Medical Board did not arise. The management further submitted that the workman cannot be declared medically unfit to perform his duties merely because he has got some joint pain on account of old age or deterioration of his health unless the disease which the workman is suffering from forced him incapable of performing his normal duties. In the instant case the concerned workman continued his normal duties till completion of 60 years of age. As it was not evident that the concerned workman became totally incapable to carry on his work there was no scope on the part of the management to consider his claim by sending him before the Disability Medical Board. Accordingly the management submitted that the reference made is illegal, invalid and the concerned workman is not entitled to any relief.

4. The points for consideration in this reference are :—

“Whether the action of the management of Bhowra (S) Colliery under Bhowra Area of M/s. BCCL in not referring Sri Kartar Singh, Tyndal Jamadar to Medical Board to declare him medically unfit is justified. If not, to what relief the concerned workman entitled?”

FINDINGS AND REASONS.

5. It is seen that to substantiate the claim the concerned workman examined himself as witness in the instant case. The management on the contrary did not consider to adduce any evidence on their behalf to rebut the claim of the concerned workman. Here the main point for consideration is whether the management committed any illegality ignoring the claim of the concerned workman by not referring him to the Medical Board to declare him medically unfit. It is admitted fact that the concerned workman was appointed as Tyndal by the management on 1-7-51. There is no dispute at all about the date of birth of the concerned workman. It has been alleged by the concerned workman that in the year 1989 he

became in disposed of due to pain in the knees and on the back and for which he became incapable to carry on his job as Tyndal Jamadar. He submitted that he underwent treatment on his pain in the knees and on the back for a considerable period. thereafter he submitted a petition before the management to declare him unfit with a prayer to provide a job to his son as per provision referred to in Clause 10.4.3 of NCWA-II. It has been further alleged by the concerned workman that in view of his prayer a list of 12 workmen was prepared by the management with a view to place them before the Screening Committee for Disability Medical Board on 18-1-92. The concerned workman submitted that with utter surprise he noticed that his name which was in Sl. No. 4 was struck down and in that place the name of one Tulsi Singh was inserted. On the contrary learned Advocate for the management in course of hearing submitted that the concerned workman was superannuated on 20-10-91 as such after superannuation there was no scope on the part of the management to send the concerned workman before the Screening Committee of Disability Medical Board. It has been further submitted that the name of the concerned workman appearing in the screening list was an inadvertant mistake and it was duly rectified while detected when the concerned workman by that time was superannuated. Considering the record I do not find any dispute to hold that the concerned workman was superannuated on 20-10-91. Therefore, after superannuation I do not find any scope that he could be directed to appear before the Screening Committee for Disability Medical Board. It is the specific contention of the concerned workman that due to pain in knee and joint he became unable to carry out his normal work and for which he wanted to be declared medically unfit by the Disability Medical Board of the management and accordingly he submitted a petition. His intention was to provide his son in job as per the provision laid down in Clause 10.4.3 of the NCWA-II. On the contrary it is the claim of the management that mere pain in knee and joint or on back does not entitle a workman to be declared invalid unless and until it is established that suffering of the pain by the workman was beyond his tolerating limit and actually he became incapable to carry out his normal duty. Learned Advocate for the management submitted that as there was no such evidence that the concerned workman was actually incapable to work due to his pain in knee and back there was no scope on their part to send the concerned workman before the screening Committee for Disability Medical Board to declare him medically unfit before the period of his Superannuation. The specific contention of the concerned workman is that at the relevant time he was suffering from pain on his knee and back. On the contrary I find a different picture from his evidence. The concerned workman during his evidence dis-

closed that he was suffering from pain on back bone and both ribs. In his evidence he did not disclose if he was suffering any pain in knee joints. Therefore, claiming pain in knee joints by the concerned workman finds no basis if his evidence is taken into consideration. From his evidence it is also not evident if he became incapable to carry on his normal duties. This witness during his evidence disclosed that he submitted an application before the management disclosing his difficulties to perform his duties and for which he prayed for appointment of his dependent son in his place. Mere facing difficulties in no circumstances can be considered as a ground of his incapability to carry on his normal duty. This witness during his cross-examination admitted that he was superannuated while he was in service. As such it is also clear that till the date of superannuation the concerned workman performed his duties properly. No evidence is forthcoming before the Court on the part of the concerned workman that for serious pain he was incapable to attend his duties and for which he remained absent and also placed under treatment for a continuous period. No medical certificate is forthcoming before the Court on the part of the concerned workman that he was physically unfit to perform his duties for the rest part of his service life. It is the specific claim of the management that during old age in natural course a person may suffer from certain physical disorder and pain i.e. due to natural phenomena and that can be cured more or less if that person remain under medical treatment. Submission of the management cannot be wiped out. It is seen that the concerned workman reported pain in his knee and joint and back at the fag end of his service life. It is clear that at that time the concerned workman attained his quite maturity in age. In natural course there was possibility to sustain such pain by him due to his old age particularly when it is not evident that he was affected with such serious pain due to his service condition. It is true that under Clause 10.4.3 of the NCWA-II dependent of workman is entitled to get a job if the concerned workman is declared medically unfit. Before declaring medically unfit it has to be established that the concerned workman was actually physically disabled and was unable to perform his duties at all. In the instant case neither from the evidence of the concerned workman nor from the record I have failed to find out an iota of evidence relying on which there is scope to say that the concerned workman was physically unfit and incapable to carry on his work but knowing fully well about his physical condition the management ignored the same. After the period of superannuation the concerned workman is not entitled to get any benefit of Clause 10.4.3 of NCWA-II. I consider that the claim of the management by not forwarding the concerned workman before the screening

committee for disability medical board stands on cogent footing.

6. I have carefully considered all aspects as well as evidence of the concerned workman and I find sufficient reason to hold that the concerned workman has failed to substantiate his claim beyond all reasonable satisfaction. I consider that the management did not commit any illegality or violated the principles of natural justice by not sending the concerned workman before the screening committee for disability medical board after he was superannuated. In the result, the following Award is rendered :

"The action of the management of Bhowra (S) Colliery under Bhowra Area of M/s. BCCL in not referring Sri Kartar Singh, Tyndal Jamadar to Medical Board to declare him medically unfit is justified. Consequently, the concerned workman is not entitled to any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.आ.1683--केन्द्रीय सरकार सन्तुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 24 दिनांक 29-12-2000 द्वारा लौह अयस्क खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 10-1-2001 से छह मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 10-7-2001 से छः मास की कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[फा.सं. एम-11017/13/97-आई.आर. (पी.एस.)]

एम्. सी. गुप्ता, अवर सचिव

New Delhi, the 4th July, 2001

S.O. 1683.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry

of Labour S.O. No. 24, dated 29-12-2000 the services in Iron Ore Mining Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 10-1-2001.

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 10th July, 2001.

[No. S-11017/13/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 25 जून, 2001

का.ग्रा. 1684—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अनेकित है कि बैंक नोट प्रेम देवास में सेवाओं को जिसे औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 22 के अन्तर्गत निदिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिये लोक उपयोगी सेवाये घोषित, किया जाना चाहिये।

अतः अब, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये तत्काल प्रभाव से छः मास की कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/4/97-औ.सं. (नी.वि.)]

एच.सी. गुप्ता, अवरसचिव

New Delhi, the 25th June, 2001

S.O. 1684.—Whereas the Central Government is satisfied that the public interest requires that the services in the Bank Note Press, Dewas which is covered by item 22 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility services for the purposes of the said Act :

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/4/97-IR(PL)]

H. C. GUPTA, Under Secy.